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INDIAN EDUCATION AND THE PROPOSED TRANSFER OF BUREAU OF INDIAN AFFAIRS SCHOOLS TO TRIBES OR LOCAL GOVERNMENTS

HEARING

BEFORE THE

SUBCOMMITTEE ON EDUCATION AND HEALTH

OF THE

JOINT ECONOMIC COMMITTEE
CONGRESS OF THE UNITED STATES

ONE HUNDREDTH CONGRESS

FIRST SESSION

SEPTEMBER 4, 1987

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CONTENTS

WITNESSES AND STATEMENTS

FRIDAY, SEPTEMBER 4, 1987

	Page
Bingaman, Hon. Jeff, member of the Subcommittee on Education and Health, presiding: Opening statement	1
Pinto, Hon. John, New Mexico State senator	4
Shirley, Hon. Albert, New Mexico State representative	5
MacDonald, Peter, chairman, Navajo Nation	22
Agoyo, Herman, I, chairman, All Indian Pueblo Council, Inc	26
Julian, Ronald, member, tribal council, Jicarilla Apache Tribe, representing Leonard Atole, president	47
Abeyta, Joseph, superintendent, Santa Fe Indian School	84
Mann, Marlis, education specialist, on behalf of Hon. Garrey Carruthers, Governor, State of New Mexico	99
Morgan, Alan D., superintendent of public instruction, New Mexico State Department of Education	101
Martinez, Melvin H., chairman, Northern Pueblos Agency School Board	115
Eden, Ronal D., Acting Deputy, on behalf of Ross O. Swimmer, Assistant Secretary for Indian Affairs, Department of the Interior	125
Inouye, Hon. Daniel K., a U.S. Senator from the State of Hawaii	135
Juarez, John, dean, School of Professional Studies, New Mexico Highlands University	136
Colton, David L., dean, College of Education, University of New Mexico	137
Bahe, Lorena, executive director, Association of Navajo Community Controlled School Boards	139
Taylor, Carmen Cornelius, program director, National Indian School Board Association	141

SUBMISSIONS FOR THE RECORD

FRIDAY, SEPTEMBER 4, 1987

Abeyta, Joseph: Prepared statement	88
Agoyo, Herman, I: Attachments to statement	32
Atcitty, Hon. Thomas E., New Mexico State representative: Testimony	9
Eden, Ronal D.: Attachment to Ross O. Swimmer's statement	127
Julian, Ronald: Background information attached to statement	51
Martinez, Melvin H.: Prepared statement, together with attachments	116
Morgan, Alan D.: Appendixes to statement	107
Taylor, Carmen Cornelius: Attachment to statement	146

APPENDIX

Testimonies, statements, and letters regarding concerns on the proposed transfer of Bureau of Indian Affairs Schools to tribe or local governments	149

INDIAN EDUCATION AND THE PROPOSED TRANSFER OF BUREAU OF INDIAN AFFAIRS SCHOOLS TO TRIBES OR LOCAL GOVERNMENTS

FRIDAY, SEPTEMBER 4, 1987

CONGRESS OF THE UNITED STATES,
SUBCOMMITTEE ON EDUCATION AND HEALTH
OF THE JOINT ECONOMIC COMMITTEE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9 a.m., in the New Gymnasium, Santa Fe Indian School, Santa Fe, NM, Hon. Jeff Bingaman (member of the subcommittee) presiding.

Present: Senators Bingaman and Inouye.

Also present: Carrie Billy, legislative assistant to Senator Bingaman.

OPENING STATEMENT OF SENATOR BINGAMAN, PRESIDING

Senator BINGAMAN. Let me go ahead and begin this hearing, and explain what we are doing here and make a few announcements before a short opening statement that I will make. This is a hearing of the Joint Economic Committee of the Congress which, of course, is made up of both House and Senate Members, and we very much appreciate the opportunity to be here and to explore the important issue of how we can improve the quality of Indian education, what the status of that is at this point. We are especially fortunate to be able to conduct the hearing here at this particular school, a school most affected by the Bureau of Indian Affairs proposal. The Santa Fe Indian School was the first Pueblo Indian school that contracted under the Indian Self-Determination Act, and under the guidance of its superintendent Joe Abeyta. Recently it received a much deserved national recognition for its outstanding educational achievement. Specifically the school was named a recipient in President Reagan's Secondary School Recognition Program. We are very proud. All of us are very proud of Mr. Abeyta's efforts and the school's great successes. We are honored to have been invited to have the hearing here in these facilities and we appreciate the wonderful hospitality that is being shown to us today.

Let me also make an announcement that later in the morning, sometime around 11 or 11:30, I believe Senator Inouye, who is chairman of the Senate Select Committee on Indian Affairs, will be joining me here to participate in the last part of the hearing and then to meet with tribal officials here over lunch, and later this

afternoon to—I believe right after lunch we have an assembly scheduled where we get an opportunity, both Senator Inouye and myself, to interact with some of the Indian students here at the school.

This afternoon I will be accompanying Senator Inouye on a visit to two of our pueblos, and look forward to that as well. That trip is not directly focused on Indian education but is a trip that he had scheduled at some earlier time and has been kind enough to invite me to go with him.

We have a great many special guests in attendance today. In addition to the prestigious group of witnesses we are going to have, and I think that instead of going through that list right now I will just defer that until a little later in the morning when I can get a more complete list and be able to introduce some of those distinguished guests.

Let me also mention, and this is something that we have tried to get the word out on, that individuals who wish to submit additional testimony for this hearing may do so. The hearing record will remain open for 30 days following the hearing and any testimony that we receive in written form will be reprinted in its entirety in the hearing record.

I want to also ask the witnesses today if they would be as brief as possible in their oral remarks. We have a large number of witnesses that we want to hear from and we hope to have time for some questions as well. The entire statement, to the extent that people have prepared written statements, those entire statements will be printed in the record in full. We already have some additional testimony from Harry Hendrickson on behalf of McKinley County Public School System and I'm sure that others who have arrived today will also have some additional testimony to present to us.

We have several people who have worked very hard to make this hearing a reality and let me just mention some of those. On my staff: Ed Jayne, my legislative director; Carrie Billy, who is a legislative assistant in our office; and here in Santa Fe in my office is Becky Bustamante and Dolores Garcia, who have both worked very hard to coordinate with the school in making preparations for this; also Jerry Manzagol, who is the State director for our offices. So let me stop with that. There will be some staff people here from the Indian Affairs Committee later in the morning and we hope that we can introduce them at that time as well.

The purpose of the hearing is to provide an opportunity for tribal officials, for educators and for community people concerned about Indian education to discuss that subject. Especially I look forward to hearing concerns regarding the BIA's proposal to transfer BIA-operated schools to the control of tribes or State and local governments. This hearing is held under the auspices of the Joint Economic Committee and the Subcommittee on Education and Health. The hearing is part of the subcommittee's investigation into the problem of education and illiteracy, under the guidance of its chairman, Representative James H. Scheuer. I appreciate the Congressman's willingness to allow me to hold this hearing to receive the input of the people of New Mexico.

Indian education, like the educational system of all Americans, is at a very important turning point. We are now faced with increased dropout rates, higher incidences of illiteracy, teacher shortages, severe budget cuts and more. These factors combine to result in a lower standard of the American educational system. Unfortunately, we have now reached a situation where American students score below those of other industrialized nations on standardized tests, particularly in math and science.

These trends—increasing dropout rates, higher illiteracy rates, teacher shortages and budget cuts—have a serious impact on Indian education here in New Mexico and elsewhere. However, other problems associated with Indian education must be examined, particularly given the trust relationship between the Federal Government and Indian tribes, and the responsibility of the Federal Government to run BIA schools.

Of special interest to me and many others is the BIA's proposal to transfer control of BIA schools to tribes or local governments. There is much concern that this proposal was developed without consulting tribal or local leaders. Many feel they were informed of the proposal only after it had been included in the BIA's budget request.

As you may know, with the passage of the Supplemental Appropriations Act which became law on July 11, 1987, Congress has taken action to prohibit the BIA transfer until the Secretary of the Interior has submitted two reports required by law on the status of Indian education. These studies are already past due, having been mandated almost a decade ago under Public Law 95-561, the Indian Education Amendments of 1978. The Bureau has seriously breached its responsibility by failing to report in a timely fashion to the Congress on the status of its schools and their efforts to educate Indian children. I hope the BIA witness today will address these reports.

In light of this circumstance, I believe it was completely appropriate for the Congress to take action to block any transfer until the Indian community and local governments and others are consulted and the appropriate review of the status of Indian education is conducted. I was pleased to be a sponsor of this amendment.

The proposed transfer raises many questions that must be answered. For example, does the transfer violate treaties, such as those with the Navajo Nation which clearly define education as an obligation of the Federal Government? The Bureau has said that no abrogation of Indian treaty rights occurs under this proposal. I would be interested to hear if the tribal officials here today agree with the BIA's assessment.

We have with us a distinguished list of witnesses. Because we have a large number of witnesses today and I promised we would be finished by noon, I would like to call the witnesses as a series of panels.

I look forward to hearing the testimony of each witness so that I might gain a greater understanding of the impact of the BIA's proposed transfer. I hope this hearing will result in an opportunity for the parties most directly involved—Indian tribes and State educators—to be included in shaping their own education policies.

We are also pleased to have with us today Senator Daniel K. Inouye, chairman of the Senate Select Committee on Indian Affairs. It is a pleasure to welcome the chairman and my good friend to the State of New Mexico.

I look forward to the testimony of the witnesses.

We have it organized today in various panels, and let me start with our first panel.

We are pleased to begin the hearing today with testimony from two of the distinguished members of the New Mexico State Legislature, both of whom are greatly concerned with the issue of Indian education and are actively involved in trying to find solutions to the current situation facing Indian students.

Senator John Pinto, who is a Navajo representing the district of San Juan and McKinley, and has long been an advocate of educational reform in the New Mexico State Senate. We are fortunate to have him here.

Mr. Albert Shirley from the district of McKinley and Cebolla, and we appreciate his presence and look forward very much to his testimony.

Mr. Thomas E. Atcitty, who was chair of the Legislative Education Study Committee, was unable to be here because of a need to attend a court appearance, but he recently sponsored an important memorial in our State legislature addressing the State's specific concerns which were raised by the BIA proposal.

Why don't we go ahead with testimony. First, I will call on Senator John Pinto, who's a good friend of mine and has been for a long time. I recall I used to come lobby you, Senator Pinto, to try to support my budget as attorney general, and you were always very supportive, so I appreciate very much that, and I appreciate your presence here today. We look forward to your testimony.

STATEMENT OF HON. JOHN PINTO, NEW MEXICO STATE SENATOR

Mr. PINTO. Good morning, the Honorable Senator Jeff Bingaman, distinguished Senator from the great State of New Mexico; honorary member of the Navajo Nation; distinguished Senator from Hawaii, Daniel Inouye; the congressional panel, the Honorable Chairman Peter MacDonald; and other members of the Indian tribes; the Honorable Governor Carruthers, Alan Morgan; Rena Salazar; Ronal Eden; members of various universities throughout the State of New Mexico, distinguished guests, ladies and gentlemen.

It is an honor to be here today to testify before the congressional committee on Indian education. I am grateful for this opportunity extended to me. My testimony will be very brief and to the point.

Indian education goes back to 1868. The treaty between the United States of America and the Navajo Tribe of Indians, I quote from a page of the Treaty of 1868, Article VI:

> In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the Agent of said Indians to see that this stipulation is strictly complied with; and the United States agrees that for

every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

I oppose the proposed transfer of BIA education responsibility to the States or another entity. The BIA schools serve children whose families reside in remote areas where no modern facilities are available such as tap water, plumbing and electricity. Furthermore, the Navajo children to be affected by this proposed transfer live in areas where there are unimproved roads with no bridges for bus routes. The transfer of BIA-funded education programs to the States or any other entity is seen as treaty obligation by the Federal Government. The U.S. Government needs to upgrade roads, facilities and provide standard quality education for the children of all tribes.

The Navajo Tribe has another very critical concern with the current reauthorization of the impact aid legislation which is being undertaken by the U.S. Congress.

Congress provided for students from Indian Reservation Trust Land to generate 125 percent of the basic impact aid funds generated by other students whose parents live and work on Federal land. The 1978 legislation did not make any specific reference to the relationship between the additional 25 percent of base funding authorized for districts with students from Indian reservations and State equalization laws. Therefore the additional 25 percent above base are included in the equalization program. The intent of the law is to enhance basic services to Indian students. Another issue that is a concern is the legislation of title VIII of H.R. 5 and Senate bill 1645—neither bill addresses the key concerns. For example, the bill does not provide sufficient detail role of Tribal Government in oversight of tribally controlled schools. Also, we do not wish for the U.S. Government to relinquish its responsibility of trust responsibility as I stated in my earlier statement of treaty agreement.

We will submit more concern on H.R. 5 and Senate bill 1645.

I want to thank you for the opportunity extended to me. Thank you.

Senator BINGAMAN. Well, thank you very much. I have a couple of questions but before I ask those let me call on Representative Albert Shirley of the New Mexico House of Representatives for his testimony, please. We appreciate you being here very much.

STATEMENT OF HON. ALBERT SHIRLEY, NEW MEXICO STATE REPRESENTATIVE

Mr. SHIRLEY. Good morning, Senator.

Senator BINGAMAN. Good morning.

Mr. SHIRLEY. Good morning, ladies and gentlemen. Thank you for your attention. My name is Albert Shirley, I am Navajo and a member of the New Mexico House of Representatives.

Indian education is working better than it did before. Regarding the Navajos; laws were made against them when they were uneducated.

The U.S. Congress made laws that says they must relocate away from their homelands that were awarded to the Hopi Tribal Council.

Navajos are educated now and they realize that the laws are wrong and must be repealed.

The Bureau of Indian Affairs proposal to turn over the responsibility of Indian education to State governments is unacceptable.

The implementation of this congressional field hearing seems to be an indication of acceptance of the BIA proposal. We have always been against turning the responsibility over to the States.

I ask through this field hearing that the Bureau of Indian Affairs be responsible. Thank you.

Senator BINGAMAN. Thank you very much. Let me just clarify if there is some confusion on that. The holding of this hearing, at least from my point of view, and I'm the reason it's being held because I'm the one who called it, is not intended to indicate any position in favor of the BIA proposal. It is intended to take testimony and provide an opportunity for Indian leaders and others to express their opinion on that proposal. It's a way for myself and others in Congress to get more information on what is being proposed so that we can determine whether there is any merit to it or whether it is something that should be rejected totally. I did not want to leave you with the impression that this hearing was part of an effort to implement that proposal. This hearing is not that.

Let me also just ask a question of you or Senator Pinto, either of you. In and around the Navajo tribes, particularly I gather up in San Juan County and down near Gallup, there are a great many Navajo children who are going to the public schools, and the evidence that I have seen indicates that the quality of the education they are receiving there is perhaps higher than the quality they received in BIA schools. The performance on standardized tests of Indian students in the public school system has been higher than the performance on standardized tests of Indian students in the BIA system. I am wondering if in light of that are there areas where the public school system should be doing more, should be educating more Indian students? I realize, as Senator Pinto said, that there are rural areas where it is very, very difficult to get the Indian student, the Indian child to a public school, and that is a whole separate matter; but are there some areas that are not as rural where perhaps more Indian students could be served through the public school system and as a result could get a better education for them?

Do you have a thought on that Senator Pinto or Representative Shirley? I would be interested in your thoughts.

Mr. PINTO. Well, let the Honorable Representative Shirley respond to that and then I will.

Senator BINGAMAN. OK. Representative Shirley, do you have any thoughts on it?

Mr. SHIRLEY. I would like to respond, and that is, if the BIA—well, BIA schools are necessary and if they are lacking behind in some areas I think it is the Bureau of Indian Affairs' responsibility to upgrade where we are lacking. It is their responsibility. And I ask BIA that same question: Are they lacking behind and why? And if they are, my concern is that it has to be improved.

Senator BINGAMAN. So it is your view that the solution should be found with the continued arrangement where the BIA maintains

the responsibility and does provide those services but corrects any deficiencies that exists?

Mr. SHIRLEY. If there are problems it is BIA's responsibilities; and they shouldn't be working on proposals like what they are proposing. They should be working to improve the education of the Indian children.

Senator BINGAMAN. OK. Senator Pinto, did you have thoughts on that same subject?

Mr. PINTO. The Honorable Senator Jeff Bingaman, I would like to respond in this way. First, I would go back to—I went to Indian school myself; that was many, many years ago. I can't tell you how many years ago. That might tell you my age. I ran away from BIA school, and because at that time we used to eat with children that would overeat. I was only about 12 years old, and some of the boys that we ate at the table, at the dormitory, BIA dormitory, were age 24 and 25 years old. And they used to take our breads away at the table, so two of my cousins, we were always hungry. I believe at that time they did not have enough personnel to supervise the student eating at the dorm kitchen, so we ran away. But today I seen—I visit—I used to be a member of the NISBA school board at Wingate, and they have many people supervising the children eating. And I have seen their food. It is really upgrade, high standard food at Fort Wingate.

I am not criticizing BIA school or any other school. I am not critical. But I think what really concerns—I think some of the BIA schools, they have some best quality education too, as I see. But even though that they close the Tohatchi BIA school, and I believe they closed that Tohatchi—or the white man pronunciation Tohatchi, about halfway between Gallup and Shiprock, NM, in spite of the people protesting of the closing. That is my senatorial district. One of my senatorial districts. And I just really felt sorry they closed that school. So I am not critical but I think that school maintained good high standard education serving the best meal.

But today what I am really concerned is, somewhat, the reason why I oppose the transfer is because I think we need to continue with the BIA school for more years to come, until such time when the Indian people are ready. You know, when they will tell us.

What I am concerned also, I think we should upgrade more of the BIA school and build a road for those children that live in remote area.

And also your question about standardized tests. I myself received my bachelor from the University of New Mexico. I received teaching certificate and also received master's degree in elementary education and an administration degree. I worked with the Gallup-McKinley County Schools for many years and I know that there have been standardized testing going on, but really I don't—I wasn't working with the testing but I was always out in the field so I don't know—I really don't know what—the grade average student to be between the students of the public schools and BIA schools. Thank you.

Senator BINGAMAN. Well, thank you very much, Senator. Again I appreciate both Representative Shirley and Senator Pinto testifying today very much, and I am sure we will, as we move ahead on these issues, will work closely with you to see to it that the New

Mexico legislation is in agreement with whatever action is taken. Thank you very much for coming.

Let me call on the second panel, if I could. I will dismiss you folks.

The second panel is a group of tribal leaders who have agreed to testify today. Let me just read off the list and ask if they would come forward. Mr. Peter MacDonald, the chairman of the Navajo Nation; Mr. Herman Agoyo, chairman of the All Indian Pueblo Council; Mr. Ronald Julian, who is a tribal council member with the Jicarilla Apache Tribe; and Joe Abeyta, who is the superintendent here of the Santa Fe Indian School. If they would please come forward.

Let me clarify that Representative Thomas E. Atcitty's testimony is going to be inserted in the hearing record even though he was not able to be here to deliver that testimony today.

[The testimony of Mr. Atcitty, together with attachments, follows:]

State of New Mexico

House of Representatives

STATE CAPITOL

Santa Fe

Testimony of
Representative Thomas E. Atcitty
on the

Proposed Transfer of BIA Schools

Before the
Joint Economic Committee of Congress
Subcommittee on Education and Health

Senator Jeff Bingaman, Presiding
Senator Daniel K. Inouye

September 4, 1987
Santa Fe Indian School
Santa Fe, New Mexico

INTRODUCTION

Mr. Chairman and Committee members, my name is Thomas E. Atcitty and I am a member of the Navajo Nation, the Representative from San Juan County, and the Chairman of the Legislative Education Study Committee. I want to thank you for the opportunity to testify on concerns and issues which directly impact the future of Indian children.

I would also like to acknowledge the efforts of Senators Bingaman and Inouye, other New Mexico legislators, the Honorable Tribal Governors, members of the State Board of Education, of educators both from the State Department of Education and the local school boards, and Indian parents in working together to assure quality education for Indian children and for all children in the state of New Mexico.

NEW MEXICO LEGISLATIVE EDUCATION STUDY COMMITTEE ACTIVITIES ON PUBLIC SCHOOL AND INDIAN EDUCATION

The New Mexico Legislature, and in particular the members of the Legislative Education Study Committee (LESC), are very concerned about the quality of education of all children in the schools of the state. The LESC has for many years been given the statutory responsibility of studying educational issues and making recommendations to the Legislature. The LESC's interest encompass public school programs and public school finance. The Committee has a history of concern for students with special needs, as well as students in regular programs; for the needs of particular schools and districts, as well as state level issues and operations.

At its August 1987 meeting, the LESC received testimony relating to problems that may be encountered by New Mexico's public school districts in the administration of federal programs for Indian education. One specific concern that was addressed is the cash flow and utilization of federal program funds, especially Johnson O'Malley funds.

At its October meeting, the Legislative Education Study Committee will be hearing testimony on the issue of the proposed transfer of BIA schools.

HOUSE JOINT MEMORIAL 8

In the federal BIA 1988 Budget Initiatives, Interior Assistant Secretary Ross O. Swimmer has proposed to transfer the management of BIA schools to state public school systems or to tribal governments by the fall of 1989.

The BIA 1988 Budget Initiatives also would require that students attending the BIA's post-secondary schools pay $850 a year for tuition. Currently New Mexico's BIA post-secondary schools,

the Southwestern Indian Polytechnical Institute in Albuquerque and the Institute of American Indian Arts in Santa Fe, charge no tuition for Indian students enrolled in their programs.

As there had been very little or no direct communication between Interior Assistant Secretary Swimmer and the tribal governments on the proposed transfer of BIA schools, New Mexico legislators and others were concerned that possibly tribal rights may be violated.

In direct response to the Assistant Secretary, I and other New Mexico legislators, sponsored House Joint Memorial (HJM 8) during the 1987 Legislature (Attachment 1). One of the directives of HJM 8 is that the Legislative Education Study Committee (LESC) be involved, with other agencies and concerned individuals in a study which includes comprehensive analyses before any transfer of BIA schools is made.

HJM 8 requests that [1] the State Board of Education (SBE) withhold further dialogue with the U.S. Department of the Interior on the issue of transferring Bureau of Indian Affairs schools to state or tribal control until the Indian tribes have been contacted directly, and [2] a comprehensive study be conducted before any transfer of BIA schools is made.

In addition to LESC and SBE involvement, tribal representatives from the Navajo Nation, the All Indian Pueblo Council, the Mescalero-Apache tribe, and the Jicarilla-Apache tribe are to be included in the study. The study will also utilize the recommendations made by the local school boards and contract school members, parents and local community members, the New Mexico Office of Indian Affairs, and federal and state representatives.

The purpose of the HJM 8 BIA Schools study is to provide data and recommendations for dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic responsibilities.

HJM 8 takes a position against the proposed transfer of the BIA schools until all issues have been researched at both national and state levels. The Navajo Nation, the All Indian Pueblo Council, which represents 19 New Mexico Pueblo Governments, the Mescalero-Apache tribe, the Jicarilla-Apache tribe, the New Mexico Office of Indian Affairs and the State Department of Education supported the memorial and the study.

BIA SCHOOLS IN NEW MEXICO

Approximately 10% of Indian children, or 38,302 students, attend the BIA schools. Of the total school facilities, two-thirds are located in Arizona, New Mexico and South Dakota.

Out of the total 181 BIA operated schools, 70 schools are on the Navajo reservation and 11 are located in the Pueblos of New Mexico.

New Mexico's 45 BIA-funded schools are run either by the BIA or contracted by tribal government. Excluding the 2 post-secondary institutions, there are 43 New Mexico BIA schools as follows:

32 elementary/mid schools
7 tribal contract schools (4 of these are high schools)
4 dormitories (Navajo and Jicarilla-Apache)

The student enrollment for all BIA operated and tribal contract schools located in New Mexico is 9,411 students. The BIA October 1987 projections indicate a New Mexico BIA school population of 9,710 students. New Mexico BIA enrollment by area and by school is available for fiscal years 1980 through 1987 (Attachment 2).

Recently, two of New Mexico's Indian schools, the Santa Fe Indian School and the Dzilth-na-o-dith-hle Community School were selected by the U.S. Office of Education to receive national awards.

The Santa Fe Indian School (SFIS) was chosen as a winner of President Reagan's Secondary School Recognition Program. SFIS is the first Pueblo Indian School contracted under P.L. 93-638, the Indian Self-Determination Act, and is under the direction of 19 Pueblo governors and the SFIS Board. The 485 SFIS students, enrolled in grades 7 through 12, represent 32 tribes.

The Dzilth-na-o-dith-hle Community School's Junior High School Program also received the presidential School Recognition Program award. The Dzilth-na-o-dith-hle Community School is a reservation boarding school, predominantly Navajo, and has a total school population of 395. Of these, 320 students are enrolled in grades K-8 and 66 students are in the Junior High School Program. 75 students live at the boarding school, but attend the public high school in Bloomfield.

ADDRESSING THE PROBLEMS

The second annual statewide New Mexico Indian Education Forum, which was held on August 18-19, 1987, at Highlands University, addressed the concerns of the Indian tribes regarding the proposed transfer of BIA schools. Federal and state representatives, and I took part in discussing the education of Indian students. Also participating in the Forum were tribal representatives from the Navajo Nation, the All Indian Pueblo Council, the Mescalero-Apache tribe, and the Jicarilla-Apache tribe, the State Department of Education, local school boards and contract school members, parents and local community members, and the New Mexico Office of Indian Affairs.

A number of things are being done to begin to address the issue of the proposed BIA transfer:

First: The Second Annual New Mexico Indian Education Forum has formalized the concerns of the Indian tribes regarding the proposed transfer of BIA Schools.

Second: The Navajo Tribal Council Resolution of December 23, 1986, which opposes the transfer of those BIA schools which serve the Navajo Nation to the State public school systems, has requested that the Governors of Arizona and New Mexico refrain from unilateral discussions or negotiations with the Department of the Interior on this issue. The resolution also asks for U.S. Congressional assistance in rejecting the proposed BIA school transfer.

The Navajo Tribal Council Resolution also established a task force within the Navajo Nation to address the responsibilities of the federal government regarding the education of Navajo people. The Navajo Tribal Council appropriated $50,000 to fund the work of the task force.

Third: The Legislative Education Study Committee, at my request, has asked for testimony on the proposed BIA transfer at its next meeting, scheduled for October 13-14 in Santa Fe.

Fourth: The New Mexico State Board of Education continues to support excellence in Indian education. In 1986, the State Board of Education adopted a Statement of Policy Regarding Indian Education. Last month, the State Board of Education voted to approve the Navajo Language Teaching Competencies. The competencies focus on four areas:

(1) The teacher must demonstrate oral proficiency in the Navajo language;

(2) The teacher must demonstrate competency in reading and writing skills in the Navajo language;

(3) The teacher must demonstrate knowledge of the formal grammar of the Navajo language, and

(4) The Navajo language teacher will need to demonstrate competency in teaching the Navajo language both to students who do not speak Navajo and to those who already speak Navajo.

This type of preparation for a Navajo language teacher will enhance programs for children in the schools.

CONCLUSION

It is my opinion that the New Mexico Legislature and the New Mexico Congressional Delegation, particularly Senator Bingaman, will do their best to develop a plan that addresses the needs of all entities involved-- but especially the needs of Indian children.

We have come far in resolving problems that affect the education of Indian children. Today's hearing is another step in that direction. We can go much further. I am pleased to be a part of this effort. I urge that we all continue to work together for the benefit of our children and for the future of American Indians.

Attachment 1

The Legislature

of the

State of New Mexico

38TH Legislature, 1ST Session

LAWS 1987

CHAPTER _____

HOUSE JOINT MEMORIAL 8

Introduced by

REPRESENTATIVE THOMAS E. ATCITTY
REPRESENTATIVE LEO C. WATCHMAN
REPRESENTATIVE NICK L. SALAZAR
REPRESENTATIVE JAMES R. MADALENA
REPRESENTATIVE MAURICE HOBSON
REPRESENTATIVE GEORGE J. GALANIS
REPRESENTATIVE ROBERT W. JOHNSON
REPRESENTATIVE HENRY KIKI SAAVEDRA

A JOINT MEMORIAL

REQUESTING THE STATE BOARD OF EDUCATION NOT TO CONTINUE FURTHER DIALOGUE WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR ON THE ISSUE OF THE TRANSFER OF BUREAU OF INDIAN AFFAIRS SCHOOLS UNTIL THE INDIAN TRIBES HAVE BEEN CONTACTED DIRECTLY AND UNTIL A COMPREHENSIVE ANALYSIS OF FINANCIAL, LEGAL AND PROGRAMMATIC RESPONSIBILITIES HAS BEEN CONDUCTED.

WHEREAS, the federal bureau of Indian affairs (BIA) 1988 budget initiatives propose to transfer Arizona, New Mexico and South Dakota BIA schools to the respective state public school systems or to tribal governments; and

WHEREAS, the United States department of the interior's established procedure for handling matters pertaining to Indians, especially regarding consultation with Indian tribes has not been observed; and

WHEREAS, the United States department of the interior has not consulted with Indian tribes, with parents and the communities served or with the state boards of education and state departments of education of the states involved; and

WHEREAS, such a proposed transfer has extensive financial, legal, operational and programmatic implications for the Indian tribes and the states affected; and

WHEREAS, the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache and the New Mexico office of

Indian affairs support the concept of a study that identifies issues dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

WHEREAS, New Mexico has long been recognized as taking an active role in supporting Indian education and has a long history of working cooperatively with tribal councils; and

WHEREAS, in order to ensure quality education for Indian children, it is imperative that the Indian tribes and the states have the opportunity to study and make recommendations regarding the 1988 BIA budget initiatives;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state board of education cease to continue further dialogue with the United States department of the interior on the issue of the transfer of bureau of Indian affairs schools until the BIA follows its own procedures in dealing with Indians and until a comprehensive analysis of financial, legal and programmatic responsibilities has been conducted; and

BE IT FURTHER RESOLVED that the representatives of the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache and the New Mexico office of Indian affairs, the state board of education, local school boards and contract school members, the legislative education study committee, parents and community representatives and other interested individuals be involved with a study which includes a comprehensive analysis; and

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BE IT FURTHER RESOLVED that this comprehensive analysis provide data and recommendations for dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

BE IT FURTHER RESOLVED that the state board of education report periodically to the legislative education study committee regarding its progress and provide any appropriate recommendations to the legislative education study committee by August 1, 1987; and

BE IT FURTHER RESOLVED, that copies of this memorial be sent to the superintendent of public instruction for distribution to the state board of education; to the director of the legislative education study committee for distribution to the committee; to the United States bureau of Indian affairs, and to the New Mexico office of Indian affairs for appropriate distribution.

Attachment 2

ENROLLMENT -- FY80-87 -- by AREA/SCHOOL

DAY SCHOOLS

NAVAJO AREA	Type	Grade	FY80	FY81	FY82	FY83	FY84	FY85	FY86	FY
Alamo Navajo School	C	K-12	213	254	254	242	266	285	296	3
Baca Community School		K-2	64	65	72	75	72	81	63	1
Beclabito Day School		K-4	44	70	87	75	93	95	98	1
Bread Springs Day School		K-3	77	76	89	104	102	92	86	
Canoncito (To'Hajiilee-He)		K-12	[refer to To'Hajiilee-He]							3
Charles Renk Elementary	C	K			22	24	30	38	30	
Dibe Yazhi Habitiin Olta	C	K-6	118	114	108	146	152	175	202	2
Na'Neelzhiin Ji' Olta'		K-5	120	146	199	247	303	312	301	3
Ojo Encino Day School		K-6	74	74	95	117	127	158	198	2
Sanostee Day School		K-1	376	369	393	407	441	88	85	
Shiprock Alternative High Sch.	C	9-12	107	104	103	104	122	107	99	1
Standing Rock Community Sch.		K-2	62	52	55	55	56	56	58	
To'Hajiilee-He		K-12	233	257	278	256	262	252	296	3
ALBUQUERQUE AREA										
Isleta Elementary School		K-6	265	284	271	254	253	243	252	27
Jemez Day School		K-6	131	140	172	172	173	176	174	18
Laguna Elementary School		K-6	477	491	475	458	465	465	451	45
San Felipe Day School		K-6	248	246	243	318	306	295	303	30
San Ildefonso Day School		K-6	46	42	39	25	34	31	36	3
San Juan Day School		K-6	67	84	68	72	82	85	75	7
Santa Clara Day School		K-6	103	107	94	98	96	100	116	11
Sky City Community School		K-8	305	321	337	332	313	323	298	29
Taos Day School		K-8	142	126	144	134	139	102	93	9
Tesuque Day School		K-6	18	20	25	24	23	29	37	4
Zia Day School		K-6	73	72	72	81	91	97	88	7

BOARDING SCHOOLS
(Residential ADM is shown in parentheses below Instructional ADM)

Chi-Ch'il Tah/Jones Ranch	B	K-4	121	121	120	113	114	133	170	16
					(61)	(62)	(63)	(68)	(54)	(5
Chuska/Tohatchi Consolidated	B	K-8	297	326	364	410	454	648	587	56
					(353)	(364)	(353)	(528)	(456)	(42
Crownpoint Community School	B	K-8	504	551	598	595	539	581	449	44
					(447)	(379)	(328)	(336)	(209)	(16
Crystal Boarding School	B	K-6	109	117	124	129	153	174	156	13
					(104)	(76)	(88)	(98)	(93)	(8
Dlo'Ay Azhi Community School	B	K-5	124	101	110	142	140	127	112	11
					(107)	(124)	(111)	(103)	(101)	(10
Dzilth-na-o-dith-hle Com.Sch.	B	K-8	323	316	376	345	351	359	333	33
					(231)	(223)	(207)	(217)	(220)	(26

NAVAJO BOARDING	Type	Grade	FY80	FY81	FY82	FY83	FY84	FY85	FY86	F
Lake Valley Navajo School	B	K-8	128	47	108	103	116	118	136	1
					(75)	(66)	(68)	(69)	(76)	(
Mariano Lake Community School	B	K-4	127	127	106	107	139	161	139	1
					(58)	(50)	(68)	(74)	(63)	(
Navajo Mission Academy	C	9-12	40	70	113	151	167	216	234	21
					(113)	(140)	(147)	(186)	(204)	(19
Nenahnezad Boarding School	B	K-6	255	286	331	407	430	455	436	44
					(142)	(174)	(184)	(173)	(178)	(16
Pueblo Pintado Community Sch.	B	K-7	219	204	174	217	230	204	216	2
					(99)	(153)	(154)	(126)	(119)	(10
Toadlena Boarding School	B	K-6	175	167	171	179	205	375	408	4
					(96)	(84)	(95)	(162)	(179)	(18
Wingate Elementary School	B	1-8	555	572	614	635	552	572	574	5
					(584)	(605)	(517)	(550)	(533)	(4
Wingate High School	B	9-12	828	800	840	873	789	898	780	7
					(793)	(842)	(771)	(873)	(751)	(7
DORMITORIES										
Aztec Dormitory		9-12	131	118	111	113	107	109	88	1
Huerfano Dormitory		K-12	84	---	108	123	108	129	131	1
Shiprock Reservation Dorm.	C	9-12	93	76	107	79	97	76	44	

Source: Dr. Kenneth G. Ross
Assistant Director
South & West Agencies Education Operations
Bureau of Indian Affairs
Navajo Area Office
Gallup, New Mexico

Senator BINGAMAN. Let me also say that this distinguished panel of leaders from the American Indian community, I believe, has a very important and crucial point of view on this proposal. We were sorry that Mr. Wendel Chino, who is the chairman of the Mescalero Apache Tribe, was unable to attend today. He was also invited but could not be here.

We also appreciate very much that Joe Abeyta, who is the superintendent of this school, is part of this panel. So I will just stop with that and allow each of these witnesses to go forward with their testimony.

Why don't we begin with the chairman of the Navajo Nation Peter MacDonald, and I thank you for being here.

STATEMENT OF PETER MacDONALD, CHAIRMAN, NAVAJO NATION

Mr. MACDONALD. Thank you very much, Senator Bingaman. Good morning, and good morning, ladies and gentlemen.

I want to thank you Senator Bingaman for the opportunity to testify this morning on a most critical issue facing the Navajo Nation and many other Indian tribes, mainly the current status of Indian education. Your focus on this issue during the congressional recess is greatly appreciated by the Navajo people, as it is your long-standing commitment to representing our interests in Congress.

As a matter of fact, we have about an inch thick stories and also recommendations as to what we believe should be the agenda of the Congress so far as improving the Indian education, particularly Navajo education.

I know you are well aware of the current conditions and demographics of our reservation. The Navajo Nation is the country's largest tribe with a population approaching 200,000 members. Our people are young. The average Navajo age is approximately 18, and their members are growing 3 percent per year. Three times faster than the national average. According to the 1980 census our per capita income is approximately $2,400, or about one-third that of the three surrounding States.

As you also know, the Navajo Nation has embarked on implementing a far-reaching policy designed to create an atmosphere more conducive to private investment on our reservation. In order to do so we must become fully competitive in what we have to offer businesses and compete with every State in the Union and with many other countries.

As you, Senator Bingaman, a Senate leader on the issue of competitiveness well know, we as a nation risk losing our leadership in the world market place forever unless we invest heavily in our most productive asset, our young people. We must all recognize that one of the pillars needed to support economic growth is a well educated populace. Nothing is more important to the development of a person than the education they receive. In their early years children spend almost as much time in a classroom as they do at home. To them a quality education is as essential as a stable home environment. A young person's attitudes and values are shaped in the classroom, and his or her sense of responsibility, work ethic

and self-worth will either be heightened or reduced, depending on training and experiences they receive from early education.

President Reagan has said that competitiveness begins in the classroom. That is true in Washington and in Window Rock and on Indian reservations. But we are failing our young Navajos because we are just not giving them the education they need and deserve to be competitive.

Although over the past many years our schools have improved tremendously, and will most likely continue to improve, we must look at what we have today. Not only that, we must also look into the future because when we talk about quality education, when we talk about transfers of responsibilities, we must look very carefully into the future and not just address what is today.

Consider the following statistics. I am just talking about the Navajo now. Our high school seniors enrolled in public schools are reading at a level ranging from 7.3 to 9.1, depending on the district. This compares to the Arizona average of 12.9 and a national average over 12.3. In the critically important area of a language arts, the seniors in the on reservation districts show an average grade point equivalences of 6.3 to 9.9 compared to a State average of 12 and a national average of 11.7.

For mathematics the seniors in on reservation districts show average grade point equivalence ranging from 7.6 to 10.5 compared to a national average of 12.4.

Educational inadequacies at the elementary and secondary level carry on to college. It should come as no surprise that 9 out of 10 Navajos who begin college don't graduate in large part due to inadequate preparation.

Our educational system is lacking for a number of reasons.

One, since the establishment of the reservation in 1868, the lack of roads has been a prime deterrent to the development of our Navajo educational system. On the reservation some school buses travel over 60 miles one way to pick up a child. School attendance is hampered by impassable roads during inclement weather. Not only does this situation create a problem for public schools, which may receive funds based on daily attendance figures, it also limits the amount of education the children actually receive. Statistics show for instance that the number of days Navajo school children actually make it to school is about one-half the national norm.

Two, the school facilities on reservations is a serious impediment to quality education. Facilities frequently run down to the point where there is no other alternative but closure. The condition of these facilities makes it extremely difficult to attract professional educators to the reservation. Whatever delivery system is chosen to educate our children, they are entitled to receive an education in a safe environment.

Three, our children deserve more teachers. How can the Bureau of Indian Affairs attract quality teachers when their base pay is 25 percent less than what their colleagues in local public school districts are receiving? These inadequacies exist and are not exclusive to elementary and secondary education. Consider what has happened to the Navajo Community College last year. Navajo Community College acquired 237 full-time students due to the closure of the College of Ganada, thus their full-time enrollment increased by

40 percent, yet the Reagan administration proposed funding Navajo Community College at the same level in fiscal year 1988 as for 1987. The financial inability of Navajos to attend college is another flaw in the system. Only 60 percent of Navajos who desire to attend college in 1986 had the financial ability to do so. The problem is growing as the number of college age Navajo soars, while the pool of financial aid shrinks. This is a tragic waste of resources. We must make it possible for all Navajo students who wish to attend college to do so and not deny them opportunities because of inability to pay for a college education.

Four, there are also flaws in the vocational education programs serving the Navajo Tribe. Vocational education is critical to training our work force, yet there is only one vocational education facility on the reservation, Crownpoint Institute of Technology, and it is in terrible condition, thus if students living in Arizona want to attend Crownpoint Institute they must literally travel across the reservation. Additionally, the Federal vocational education programs are flawed. The Perkins Vocation Education Program channels money directly to the State which then contracts with institutions in the State to provide technical training to Navajos, thus the needs of Navajos in the private sector are never really considered.

Improving our educational system and the training of our children face a tremendous challenge for us today, but the task is made more difficult by the sheer size of the Navajo Nation and the number and the different categories of our schools.

Navajo children are educated in more than 240 schools on the reservation. I know this is quite different from any other Indian tribes for many Indian tribes only have one school on their reservation, but on the Navajo Reservation we have over 240 schools. They are State public schools, BIA schools, contract schools, preschools, and mission schools. As of 2 years ago, statistics show that 38,747 Navajo youths, or 59 percent of elementary and secondary school students attended 15 public schools in 26 school districts on the reservation. The State of Arizona educated at that time over 19,000 or 31 percent of our students while New Mexico educated approximately 17,000 or 27.9 percent and nearly 2,500 Navajos attended public schools in Utah; 15,000 Navajos or 25 percent of our school-age population are enrolled in 49 schools administered by the Bureau of Indian Affairs on our reservation; 2,700 Navajos or 3.8 percent are enrolled in 11 contract schools and 2 contract dormatories; 1,296 Navajos were enrolled in mission schools near the reservation. We have over 1,000 preschoolers.

What I want to bring here at this point is that the issue is and must be the quality of our education system. In this testimony I have put forth our high school achievement levels and described major flaws in the vocational education and higher educations programs. We must improve the quality of the education programs. We must improve the quality of the education that Navajos receive from preschool to the postsecondary level. As I have just mentioned there are over 240 schools on the Navajo Reservation. These are public schools, BIA schools, contract schools, preschools, and mission schools. The contract schools through Public Law 93-638 would like to be free from all BIA control or even tribal oversight. They would like to run their own school in their own way. Similar-

ly BIA schools would like to be free from the BIA as much as possible and from the tribal from the States. The public schools on the other hand do not want to have anything to do with the BIA schools or contract schools or even the Navajo Tribe itself. As a matter of fact, the State of Arizona schools don't communicate with New Mexico or Utah schools. The Utah schools want to run their own schools even though they are within our reservation; likewise, New Mexico and Arizona. So we have then on the Navajo reservation several school systems all doing their own thing, which I know that none of the Indian tribes throughout the United States have similar problems that we do on the Navajo Reservation. In this respect I ask each of you to think for a moment of how States make education policy. The State legislature provides legislative guidance and funds to the State department of education. The State board then works with the State superintendent of education to set policy in consideration of the statutory guidance provided by the State legislature; then guidance is given to boards of local school districts; and finally to the individual schools; then policy is implemented. This is a pretty different picture from the description I have just given you on the Navajo education system. We have all these various educational systems operated on the reservation and they all want to do their own thing, in the meantime the Navajo Nation, its government in many instances has very little or not much to do with what goes on and who does what. In many instances we are just a conduit to contract with some other schools or to be used to advocate for additional funding.

When you as policymakers sit down to make education policy I ask that you consider the Navajo Nation's similar position and our needs and capabilities as a State. I am not talking about funding formulas or levels. What I am saying is that all entities educating Navajos must work in some fashion with the tribal government so that there is coordination, there is a unified effort, so our children receive some basic minimum educational policy and standards, which we constantly are trying to push for. After all, in the long run, when BIA, State and other funding sources disappear the Navajo Nation will ultimately be responsible for the education of its children.

It is a matter of right that our education committee and division of education have a measure of monitoring and oversight authority over all schools in the Navajo Nation. As a matter of fact, 2 or 3 years ago the Navajo Nation established what is called Navajo Nation Education Policy. It is something that the Navajo Nation, the tribal government thought was necessary to give to its children a minimum standards and criteria by which Navajo children should be educated. But there is no way to implement that because every entity which are operated on the Navajo Reservation, as I mentioned before, have no respect for tribal laws or tribal initiative because they get their funding from all different sources, and they only are beholding to those entities from which they are receiving these funds. Yet when the budget cut does come down they come to education committee, they come to the council asking for tribal resolutions to help them get additional funding and to lobby you and everyone else. We enjoy doing it. We want to do it because we love our children. We want them to receive the best education.

But the problem I am expressing to you is that, as you think about Navajo education think about all these various entities existing and some out—and within three States—somehow this must be put together in such a way that there is a unified effort so that our children are not denied education—quality education that they deserve.

We must be concerned enough about our children's welfare to play a prominent role in the education that they receive.

With respect to BIA initiative to transfer BIA schools to States, I must say here with no equivocation that the Navajo Tribal Council, myself, and the Navajo people are completely opposed to such initiative. We don't want the BIA to relinquish its responsibility as stated earlier here by Senator Pinto. The article in the Treaty of 1868, that they have the primary responsibility for educating our children, therefore, if BIA believes that they are going to get from under this responsibility by transferring their responsibility to somebody else; we don't want it, we don't like it and we oppose it.

In conclusion, I would like to thank you for the opportunity to provide you with the current status and potential recommendations to improve the education that is provided to Navajos. Education is the foundation on which economic development must be built. Your continued advocacy and support of Navajo's educational needs is greatly appreciated by myself and the Navajo people. Thank you very much.

Senator BINGAMAN. Thank you very much.

Thank you very much, Chairman MacDonald, for that excellent testimony.

Before I ask any questions I will do the same thing here with this panel that I have done with the previous one and that is to allow each member to go ahead and summarize their statement.

The next witness will be Mr. Herman Agoyo, who is the chairman of the All Indian Pueblo Council; and we appreciate you being here, Herman, very much.

STATEMENT OF HERMAN AGOYO I, CHAIRMAN, ALL INDIAN PUEBLO COUNCIL, INC.

Mr. AGOYO. Good morning the Honorable Governors and tribal delegates. I am glad to see many students here from the school in attendance for this hearing. And I would like to commend Mr. Joseph Abeyta and others who are responsible for this fine setting here. This has to be the best hearing atmosphere that I have been able to participate in so I'm very happy to be here.

Senator BINGAMAN. I agree with that. This is the best hearing atmosphere I have participated in as well.

Mr. AGOYO. Mr. Chairman, members of the committee and distinguished guests.

My name is Herman Agoyo. I am an enrolled member of the Pueblo of San Juan and have the honor to serve as chairman of the All Indian Pueblo Council located in Albuquerque, NM.

Speaking for the 19 New Mexico Pueblo Governments, I am here to pass on the message that the Pueblo people are totally opposed to the proposed initiative for transferring Indian education to

either the State or Indian tribes. We are unanimously saying "No" for the following reasons:

First, imposition of such a transfer violates the principle of "self-determination" and the government-to-government policies which have guided our relationships with the Federal Government for many years. Any decisions regarding the transfer of educational responsibilities cannot be unilateral and without the prior consultation and concurrence of the Indian tribes.

Second, such a unilateral decision would violate the "trust" and "fiduciary" responsibilities that the Bureau of Indian Affairs (BIA) has to Indian tribes.

Third, the proposed transfer offers simple solutions to complex issues which merit careful study and planning before any changes are even proposed. The goals of the BIA should be to one, upgrade all dilapidated school facilities; two, research and identify private and public school programs which can serve as "models" to be replicated in Indian communities where the BIA schools are located; and three, make a concerted effort to work with those Indian communities so that once their school facilities and programs become institutions of "excellence" they can eagerly choose either to operate the school themselves or enter into cooperative agreements with public or private educational systems.

Basic to the achievement of these three goals is the requirement that each Indian child have equal opportunity to succeed in his educational achievement, a goal which cannot be met with the presently deplorable lack of facilities and educators to meet the special needs of the handicapped child. It is this issue I wish to particularly purse with you today.

In 1967 a major assessment of Indian education was undertaken by the Special Subcommittee on Indian Education of the Committee of Labor and Public Welfare of the U.S. Senate. Two years later the report of this assessment consisted of nearly a dozen volumes. Many of the findings and recommendations are as pertinent today as they were then, particularly those relating to the BIA personnel system and the problems of recruiting and retaining good teachers; the needs to maintain cultural integrity while educating Indian children; the poor quality and effectiveness of instruction; the inadequacy of equal educational opportunities, among others. It is significant to note, however, that the only subcommittee recommendation that came close to recognizing the needs for programs for the handicapped related exclusively to alcoholism.

Since the time of these hearings and that series of reports there have been gains in the Nation in the education of handicapped children, some—but not many—of which have filtered down to the Indian child. While Public Law 94-142 recognized the BIA as the "51st State" for purposes of the act, we have seen very little service provided in New Mexico to meet these needs, particularly some of those which are most significant in the Indian population such as adequate communication skills.

For many years it has been recognized that communication disorders are not only the most prevalent in the world, they are the most devastating in the world. The abilities to hear, speak, and read are the cornerstone of all aspects of human life. Indian children are at particular risk of being handicapped in these regards.

In spite of Indian Health Service (IHS) opinions to the contrary, middle-ear disease continues to be a near-epidemic condition which not only causes loss of hearing but prevents the learning of speech and language as well. Our clinicians now are finding more and more hearing impairment in our youth due to trauma. These conditions can be prevented by proper medical intervention in the first instance and by health education in the second. Such programs, as well as those for remediation of problems, are lacking. While our own All Indian Pueblo Council Speech, Language, and Hearing Program—a 638 contract with the Albuquerque area IHS—is in many ways a model for the country, our staff find more deficiencies than successes in the schools. While we are screening for speech and language problems beginning in Headstart, children referred for therapy are not being served. Too many Indian children are being screened in a variety of programs and found to be handicapped and then have no resource from which the problem might be helped. A partial program is not better than no program at all and screening without followup is questionable ethically.

There seems to be no recognition by the educational system that literate language requires speaking as much as it does writing. As close as the Pueblos are to the city where such services are readily available, they are not being provided to the Pueblo child.

Auditory trainers, supplemental amplification devices for severely hearing impaired children, for example, are available to every child in need enrolled in the Albuquerque Public Schools. Not one Pueblo child in a BIA school has been provided the use of such a device. In one instance the parents of a deaf Pueblo boy drove the 150 mile round trip to Albuquerque for several years so that their son could be enrolled in the city school system where these devices, and teachers accredited to deal with his problem, were available. These parents had been informed that while funds were being sent to the school for this boy's education they were being used for other purposes instead.

For reasons such as these, the All Indian Pueblo Council last June conducted what I believe is the first charity activity by an Indian tribe, the chairman's charity ball. The funds from this event are being used to provide a limited number of auditory trainers for the Indian hearing impaired children in need. While it might be argued that existing sources of funds would have been more appropriate for this purpose, the lack of evidence that such actions were being contemplated outweighed the decision to wait. The success of this ball was such that we plan on it as an annual event.

In addition to communication disorders such as hearing loss, handicapping conditions of every sort are, according to a member of the National Council on the Handicapped, 100 to 200 times more prevalent in Indian communities. In spite of this assessment, even services previously available have been terminated. It is now 2 years since the Indian Children's Program, the one program of its kind in the Indian Health Service, was terminated without any consultation with the tribes or other groups representing the handicapped. The Otitis Media Program is facing a similar future. These two programs were the only ones at the headquarters level concerned with providing for the handicapped. The All Indian Pueblo Council expressed its concern over these actions last March

when two resolutions—attached—were unanimously passed in opposition to these acts. The resolutions were sent to the New Mexico congressional delegation, the Office of the Secretary of Health and Human Services, the Administrator of the Health Resources and Services Administration, and the Indian Health Service. No responses were received from any of these offices which, in the context of the purposes of these hearings, also is a cause for concern over the sincerity with which tribal opinions and desires are received.

Other sources of support for the handicapped Indian child are in short supply and we had high hopes that the concern for handicapped children generally would also hold for Indian children. We understood that funds for such services were available from Public Law 94-142 but the lack of programs at BIA schools would not indicate this to be the case. We recognize that staff recruitment and retention, often said to be a major cause for the lack of programs, are recurring problems which do not seem to be adequately addressed. The problems in the Senate report of 1969 of staff turnover, inefficient and inadequate recruitment procedures, the lack of a system to reward the competent and be rid of the incompetent, the lack of Indian control over education and many others are as true today as they were then. The truly competent educator within the system appears to vanish beneath the mountains of paperwork that the Federal system imposes on its programs.

We must also acknowledge that concern and involvement on the part of Indian parents is a contributing factor also. Many of the Federal rules and regulations are foreign to parents and not much seems to be happening to acquaint parents better with the problems that the school administration has which contribute to the problems of the child. There is poor communication between the school teacher and the parent and most often the teacher is assigned a job in a community which is totally foreign in life style, language, and beliefs.

One of the largest groups of underserved children are those from families where alcoholism is the major problem facing the family. In addition to being physically abused, these children are often abused emotionally, socially, and educationally. The preteenager who inherits the responsibility for raising his or her younger brothers and sisters, who has no ethical boundaries set by the parents, and no motivation to excel scholastically is the child who is several years behind his grade, who is functionally illiterate, and is in all ways a handicapped child. We often see these children in classes for the mentally retarded and the learning disabled, draining precious resources for the child who is more appropriately in need of them. Staff of our Indian Student Educational Team, a small group of dedicated professionals in an underfunded project supported by the BIA since the termination of the Indian Children's Program, report to me that this problem is the most critical one facing them in their role of providing limited services and one which is not well recognized.

The role of advocacy on behalf of the handicapped child is lacking in most Indian parents' knowledge and the aggressiveness necessary to be an advocate is foreign to their beliefs. The Pueblos were recently visited by the Commissioner of Rehabilitation Serv-

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ices, Mr. Justin Dart, Jr., the first time a highly placed person in that agency has come to see our problems firsthand. Mr. Dart said at the conclusion of his trip—which turns out to be one of many he is or will be taking to various Indian communities—that the big need for handicapped Indian children is for advocates. We agree with that assessment and further for the need for assistance in developing this role in the Indian community. At present, the role is assumed by others. The Northern New Mexico Legal Services, for example, has filed a class action suit on behalf of the Indian children formerly served by the Indian Children's Program. Our self-sufficiency will not become a total reality until we have an Indian advocacy group who sees these needs and acts upon them.

The lack of coordination between the health provider and the schools is a long standing and well documented problem which has particularly sad consequences when the child is handicapped. A recent example, in a nearby community, is the delay between the Indian Health Service in providing eye glasses and the BIA school where children enrolled have waited as many as 18 months to receive their glasses. The educational handicap imposed on a myopic child who is deprived of total vision for such a length of time is difficult to calculate and the delay itself unacceptable.

It may seem from the foregoing statements that the criticisms leveled at the BIA schools should be supportive of the notion of transferring the educational responsibility to the State or to the tribes, but such an assumption is unwarranted. As I indicated at the beginning, the first concern is the rights of the tribal government to make such determinations. Second, a structure is in place which now provides educational services. Rather than have this testimony deal only with negative aspects of the present BIA school system I feel it incumbent upon me to share some of the ideas which could possibly improve upon the situation.

It seems to me that many of the problems I have cited could be met through innovation and cooperation. Special educational needs are not being met for all the reasons, and possibly more, that I have presented. I would like to propose the consideration of a model program for special educational services that would be centrally based—to allow for minimal overlap and the professional interaction among staff that is minimal in the reservation setting—providing out-reach services—Pueblo communities are all within commuting distance—to prevent presently seen problems of the non-Indian professional in the relatively remote Indian community, with responsibilities for ongoing research and evaluation into handicapping conditions and programs for their relief. In addition, stress should be placed upon intensified recruitment of Indian professional staff and the development of an advocacy program. Support for such a center from the various agencies responsible with appropriate staff from those agencies within the same physical plant could do much to break down the real or assumed jurisdictional barriers which exist at the present time. The administration of this center as a BIA facility should be structured for maximum local Indian direction and oversight as well and it should be a requirement that new staff be rotated through the facility on a regular basis so that new ideas and energies are always available.

Rather than be concerned as we are with these hearings as to the transfer of BIA responsibilities for education, I feel that to improve upon the existing system, add the components for special education that I have brought to your attention, and encourage the concept of self-determination through waiting for the Indian people to make any decisions, if ever, for change is the most worthwhile recommendation that the Pueblo people can make to you at this time.

Thank you for this opportunity to present the Pueblo viewpoint on the need for education for handicapped children.

Senator BINGAMAN. Well, thank you very much, Herman. I appreciate that. Thank you for that excellent testimony.

[The attachments to Mr. Agoyo's statement follow:]

SUMMARY

OF

SPEECH, LANGUAGE & HEARING PROGRAM

ALL INDIAN PUEBLO COUNCIL, INC.

INTRODUCTION

The leading disabling condition throughout the world is hearing impairment and the leading cause of hearing impairment is Otitis Media. Other problems associated with this major epidemic range from mild speech articulatory problems to language retardation and other deficiencies in communication, are likely consequences of intermittent, subclinical episodes during the critical period during early childhood when these skills are being learned.

The problems with Otitis Media are compounded in the Native American populations, by higher susceptibility to the disease, reduced awareness of the presence of a relatively "invisible" condition, inadequate or inaccessible medical facilities, and habilitation or rehabilitation services. Even under these conditions, its amazing that the number one reason children are brought into an IHS facility is Chronic or Acute Otitis Media.

For the Albuquerque Area during FY 1977 to FY 1986, Acute Otitis Media increased 128% and Chronic Otitis Media increased by as much as 358%. This information was taken from a draft report from the Indian Health Service Sensory Disabilities Program. In light of the findings of this report, it has been stated within the Indian Health Service that Otitis Media is longer a problem and is under control.

Within this Program, we see the rate of Otitis Media increasing in children and we are also seeing this problem re-occur in adults with histories of Otitis Media as children. This Program is able to provide a minimum amount of services with the funding that we have available. It is our opinion that if funding were provided at the requested amount, that we could adequately serve the Pueblo population and would be a successful model program for other areas.

In the Albuquerque Area review conducted by the IHS Sensory Disabilities Program, this Program received excellent commits, but it also stated the problems which are results of being understaffed and underfunded.

TECHNICAL REPORT

Effective control of Otitis Media depends primarily on early detection, treatment and monitoring. Expanded intervention and treatment are essential to reduce the incidence of this medical problem and its impact on speech-language development and education achievement.

Therefore, the All Indian Pueblo Council, Inc., Speech, Language and Hearing Program proposes to provide the following:

AUDIOLOGY SERVICES

1. Continue to provide pure tone, tympanometric and otoscopic screening of all Headstart, 1st grade, kindergarten and Special Education Indian Children enrolled in schools in our service area.
2. Provide pure tone, tympanometric and otoscopic screening to new entry students of all levels.
3. Continue to provide complete audiologic evaluations for all students who fail this screening.
4. Continue prompt follow-up services for all clinic/medical referrals made by this program.
5. Provide complete audiologic services for all children and adults.
6. Provide hearing aid selection, distribution and follow-up.
7. Provide consultative services including on-going technician training and supervision.
8. Provide information/materials at meetings, health fairs, etc.
9. Provide early identification clinics.
10. Arrange for hearing aid repairs.
11. Provide a hearing aid battery distribution/sales program.
12. Provide in-service training in hearing education and conservation.

SPEECH-LANGUAGE PATHOLOGY SERVICES

1. Provide early identification clinics.

2. Provide speech-language screening services in Headstart centers as needed.

3. Provide speech-language evaluation services for children ages 0-3, Headstart students, and adults as needed.

4. Design and implement individualized speech-language therapeutic programs for children requiring intervention.

5. Provide guidance and training for paraprofessionals and family/community members implementing or reinforcing programs.

6. Monitor all programs provided with weekly-to-monthly services to children and adults as needed.

7. Provide direct speech-language therapeutic services to children as needed.

8. Provide referral services as needed.

9. Participate in health fairs and health education programs.

10. Provide in-service education in all areas of speech-language development and disorder, as requested.

11. Participate in community well-child clinics as requested.

These services as well as delivery methods and time frame are included in subsequent sections of this narrative.

APPROACH

The All Indian Pueblo Council, Inc. will through its Speech, Language and Hearing Program carry out the goals and objectives of this program. This Program will:

1. In cooperation with Indian Health Service, continue to develop a schedule for actively delineating the allocation of resources (manpower, money, materials) and the delivery of all services.

   Continue to provide community based audiology and speech-language pathology services utilizing local resources as much as possible, while assuring that all Tribal people within the Albuquerque Area obtain quality audiology and speech-language pathology services. This includes services to the Bureau of Indian Affairs Schools.

SUMMARY BUDGET FOR THIS PERIOD		TOTAL AMOUNT REQUIRED	SOURCE OF FUNDS	
December 01, 1987	THROUGH November 30, 1988		APPLICANT AND OTHER	REQUEST FROM IHS
1. Direct Labor (salaries and wages)		195,382.		195,38
2. Fringe Benefits		21,477.		21,47
3. Materials and Supplies		600.		60
4. Travel		26,550.		26,55
5. Consultant Fees (Brain Stem Evoked Response Testing)		1,000.		1,00
6. Equipment		11,603.15	11,603.15	-0-
7. Other Direct Costs		20,900.		20,90
8. Indirect Cost @ 25%		60,658.		60,658
9. Total Costs		338,170.15		326,567

10. SOURCES OF FUNDS (Applicant and Other)

A. Applicants Funds

B. Other Sources (identify each source separately)

Funds raised through the 1st Annual Chairman's Charity Ball for Pueblo children served by this Contract to purchase FM Auditory Trainers and other testing equipment, excluding hearing aids and services provided by this Contract.

C. Payment for Services Provided by Project (fees, collections, etc.)

TOTAL	$ 338,170.15

STATEMENT

OF THE

ALL INDIAN PUEBLO COUNCIL

ON HOUSE JOINT MEMORIAL #8

Presented By

Mr. Herman Agoyo I.

Chairman, All Indian Pueblo Council,

February 25, 1987

Mr. Chairman and members of the committee. It is my honor, to appear before you on behalf of the All Indian Pueblo council. The All Indian Pueblo council, as you know, is headquartered at the Indian Pueblo Cultural Center, which is located on 12th Street and Menual in Albuquerque.

I am the newly elected Chairman of the council. My name is Herman Agoyo and I am an enrolled member of the Pueblo of San Juan.

Speaking for the Nineteen (19) New Mexico Indian Pueblo Governments, I am here to recommend a "do-pass" action from this committee on House Joint Memorial #8.

I am also requesting that you actively apply your collective influence and leadership in getting House Joint Memorial #8 passed by both the Senate and House.

The swift passage of this "Memorial" is important to us because it will send a clear message to the Bureau of Indian Affairs and the United States Congress.

And the message that we, the New Mexico Indians and the 38th session of the New Mexico State Legislature, will be a resounding "NO" to the proposed initiative of transferring Indian Education to either the State or Indian tribes.

And we are jointly saying "NO" because:

Number 1: It violated the principles of

"Self-Determination" and government-to-government policies of the past as well as the current administration. The decision to transfer Indian Education was unilateral and without prior consultation with the Indian tribes.

Number 2: It further violates the "trust" and "fudiciary" responsibilities that the Bureau of Indian Affairs has to Indian tribes.

Number 3: The proposed transfer offers a "simple" solution to a very complex issue which we believe deserves careful study and planning before changes are proposed. The goals of the Bureau of Indian Affairs should be to (1) upgrade all delapidated school facilities, (2) research and identify private and public school programs which can serve as "models" to be replicated in Indian communities where Bureau of Indian Affairs Schools are located, and (3) make a concerted effort to work with those Indian communities and maybe once their school facilities and programs become institutions of "excellence" they can eagerly choose to either operate the school themselves or enter into cooperative agreements with public or private educational systems.

In conclusion, let us remind ourselves that one of the basic tenets of democracy is the "freedom" of choice.

The Indian people to some extent have achieved this "freedom" of choice.

Here in the United States, to the extent that it is economically feasible and the wish to have our children educated to our beliefs, a parent or parents have the right to send their children to a school of their choice - may it be an Indian School, public, private or church school.

And the passage of House Joint Memorial #8 will assure and support not only the rights of the Indian people but the rights of all citizens of the great country.

I thank you for this opportunity to express my views on behalf of the Council and also providing the forum for dissent and freedom of expression.

HOUSE JOINT MEMORIAL 8

38TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1987

INTRODUCED BY

A JOINT MEMORIAL

REQUESTING THE STATE BOARD OF EDUCATION NOT TO CONTINUE FURTHER DIALOGUE WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR ON THE ISSUE OF THE TRANSFER OF BUREAU OF INDIAN AFFAIRS SCHOOLS UNTIL THE INDIAN TRIBES HAVE BEEN CONTACTED DIRECTLY AND UNTIL A COMPREHENSIVE ANALYSIS OF FINANCIAL, LEGAL AND PROGRAMMATIC RESPONSIBILITIES HAS BEEN CONDUCTED.

underscored material = new
[bracketed material] = deletion

WHEREAS, the federal bureau of Indian affairs (BIA) 1986 budget initiatives propose to transfer Arizona, New Mexico and South Dakota BIA schools to the respective state public school systems or to tribal governments; and

WHEREAS, the United States department of the interior's established procedure for handling matters pertaining to Indians, especially regarding consultation with Indian tribes has not been observed; and

WHEREAS, the United States department of the interior has not con-

suited with Indian tribes, with parents and the communities served or with the state boards of education and state departments of education of the states involved; and

WHEREAS, such a proposed transfer has extensive financial, legal, operational and programmatic implications for the Indian tribes and the states affected; and

WHEREAS, the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache and the New Mexico office of Indian affairs support the concept of a study that identifies issues dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

WHEREAS, New Mexico has long been recognized as taking an active role in supporting Indian education and has a long history of working cooperatively with tribal councils; and

WHEREAS, in order to ensure quality education for Indian children, it is imperative that the Indian tribes and the states have the opportunity to study and make recommendations regarding the 1988 BIA budget initiatives;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state board of education cease to continue further dialogue with the United States department of the interior on the issue of the transfer of bureau of Indian affairs schools until the BIA follows its own procedures in dealing with Indians and until a comprehensive analysis of financial, legal and programmatic responsibilities

has been conducted; and

BE IT FURTHER RESOLVED that the representatives of the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache and the New Mexico office of Indian affairs, the state board of education, local school boards and contract school members, the legislative education study committee, parents and community representatives and other interested individuals be involved with a study which includes a comprenensive analysis; and

BE IT FURTHER RESOLVED that this comprenensive analysis provide data and recommendations for dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

BE IT FURTHER RESOLVED that the state board of education report periodically to the legislative education study committee regarding its progress and provide any appropriate recommendations to the legislative education study committee by August 1, 1987; and

BE IT FURTHER RESOLVED, that copies of this memorial be sent to the superintendent of public instruction for distribution to the state board of education; to the director of the legislative education study committee for distribution to the committee; to the United States bureau of Indian affairs, and to the New Mexico office of Indian affairs for appropriate distribution.

1007 Longworth House Office Building
Washington DC 20515
(202) 226-2365

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES
AGRICULTURE, RURAL DEVELOPMENT
AND RELATED AGENCIES
TREASURY—POSTAL SERVICE—
GENERAL GOVERNMENT

Congress of the United States
House of Representatives

JOE SKEEN
3d District, New Mexico

DISTRICT OFFICES
Federal Building
Roswell NM 88201
(505) 622-0055

Federal Building
Las Cruces NM 88001
(505) 523-6245

Suzanne Isold
Administrative Assistant

February 13, 1987

STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION
RECEIVED
FEB 17 1987
REFER TO: _____

Mr. Alan D. Morgan
State Superintendent
Department of Education
Education Building
Santa Fe, New Mexico 87501

Dear Alan:

Thank you for contacting me to express your concern over proposals made by the Department of Interior which would close schools administered by the Bureau of Indian Affairs (BIA). I appreciate the opportunity to respond.

Long ago, the federal government made a commitment to educate Indians living on reservation land. I feel the BIA schools are doing a fine job teaching the young people. I also admire the dedication teachers display in forgoing comfortable surroundings and other benefits they may otherwise be entitled to if they taught in a large public school system. I know that students, administrators, and teachers at BIA schools are easy targets for criticism, especially now, when the federal government is searching for ways to reduce the budget deficit; however, closing these schools is not necessarily the proper approach to take.

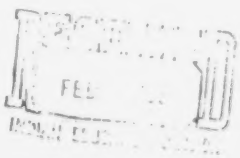
When everything is considered, including the financial resources of New Mexico and the tribes themselves, I believe the only sound approach is to continue the federal commitment in educating Indians. In the future, perhaps this alternative can be discussed with state and local officials; but now is not the time to act.

Again, many thanks for getting in touch with me. Only by hearing from people like yourself may I better serve the interests of New Mexico. With my best regards, I am

Sincerely,

JOE SKEEN
Member of Congress

JS:jb



ALL INDIAN PUEBLO COUNCIL

1987 RESOLUTION # 22

WHEREAS, the All Indian Pueblo Council is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, San Felipe, Santa Ana, Santo Domingo, San Juan, Santa Clara, Taos, Tesuque, Sandia, Zia, Zuni, San Ildefonso, Nambe, Pojoaque, Picuris~~,~~ and,

WHEREAS, Assistant Secretary of the Interior for Indian Affairs, Ross Swimmer, proposes to implement initiatives that would profoundly affect BIA Programs; and,

WHEREAS, the Governors of the All Indian Pueblo Council adopted on December 17, 1986, Resolution #23 opposing Mr. Swimmer's initiatives to transfer education of Indian children, a trust obligation, from the BIA to tribes, tribal organizations or states; and,

WHEREAS, the Governors of the All Indian Pueblo Council adopted on March 20, 1987, Resolution #10 opposing Mr. Swimmer's initiative to charge tuition at the Southwest Indian Polytechnic Institute, the Haskell Indian Junior College, and the Institute of American Indian Arts; and,

WHEREAS, Ross Swimmer has grossly neglected to consult with the Pueblo Governors on all the initiatives and only decided to do so after overwhelming opposition was expressed by Tribal Leaders throughout Indian Country.

NOW, THEREFORE BE IT RESOLVED that the Governors of the All Indian Pueblo Council do hereby oppose Ross Swimmer's initiatives.

BE IT FURTHER RESOLVED that the Governors of the All Indian Pueblo Council fail to see the value and effectiveness of Ross Swimmer remaining in the position of Assistant Secretary of Indian Affairs as he has lost sight of the concern for Indian people's well-being, therefore the All Indian Pueblo Council demands that Ross Swimmer be removed immediately from his position as Assistant Secretary of Interior for Indian Affairs.

CERTIFICATION

I, the undersigned, as Chairman of the All Indian Pueblo Council, do hereby certify that the foregoing Resolution was passed at a duly called meeting of the All Indian Pueblo Council held at the Indian Pueblo Cultural Center on the 24th day of April, 1987, at which time a quorum was present with 12 voting for, 0 voting against; and 2 abstaining.

ATTEST:

Herman Agoyo, Chairman

John Gonzales, Secretary/Treasurer

ALL INDIAN PUEBLO COUNCIL

RESOLUTION #23

WHEREAS, the principle of consultation and cooperation has historically been the basis of a relationship between the Federal Government and Tribal Leaders; and,

WHEREAS, Indian People are trustees and dependents of the Federal Government; the honesty and integrity of Government officials is basic to any trust relationship; and,

WHEREAS, it has come to the attention of the All Indian Pueblo Council that the Assistant Secretary of Interior, Mr. Ross Swimmer, is proposing in the FY'88 budget the transfer of educational responsibilities for all Bureau funded schools within the State of New Mexico from the Federal Government to the State; and,

WHEREAS, the Pueblo Governors are appalled that such a radical idea is being discussed which would permanently betray the principles of Self-Determination and Federal Trust responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the All Indian Pueblo Council opposes vehemently the entire idea because it violates the principle of consultation and commitment which is at the heart of government to government relationships.

BE IT FURTHER RESOLVED THAT, the Officers of the All Indian Pueblo Council be directed to use every resource available to oppose the development and enactment of this or any proposal which threaten to usurp Indian Self-Determination.

BE IT FURTHER RESOLVED THAT, the individual(s) within the Department of Interior who are directly responsible for this violation of Government to Government consultation be identified and punitive actions be considered.

CERTIFICATION

I, the undersigned, as Chairman of the All Indian Pueblo Council, do hereby certify that the foregoing Resolution was passed at a duly called meeting of the All Indian Pueblo Council held on the 12th day of Dec., 1986 at which time a quorum was present with 19 voting for; 0 voting against; and 0 abstaining.

Gilbert M. Pena
CHAIRMAN GILBERT M. PENA

A T T E S T:

John Gonzales
JOHN GONZALES, SECRETARY/TREASURER

ALL INDIAN PUEBLO COUNCIL

1987 RESOLUTION # 10

WHEREAS, the Southwestern Indian Polytechnic Institute, Haskell Junior College, and the Institute of American Indian Arts are unique and vital Indian Institutions that provide reservation Indians with high-quality training in a variety of technical vocational fields; and,

WHEREAS, the President's Proposed FY 1988 Budget contains a proposal to charge students $850 tuition at SIPI, Haskell and the Institute of American Indian Arts; and,

WHEREAS, affected Indian tribes were not consulted regarding the tuition charge proposal and other education initiatives; and,

WHEREAS, THE Bureau of Indian Affairs has a responsibility for the education of American Indians.

NOW, THEREFORE BE IT RESOLVED that the All Indian Pueblo Council opposes the Bureau of Indian Affairs plan to implement the $850 tuition charge and urges the United States Congress to restore full funding to the Southwestern Indian Polytechnic Institute, Haskell Junior College and the Institute of American Indian Arts.

BE IT FURTHER RESOLVED, that copies of this Resolution be furnished to the New Mexico Congressional Delegation, local and national Indian organizations, tribal leaders, congressional committees, the Bureau of Indian Affairs, and any other interested persons or organizations.

CERTIFICATION

I, the undersigned, as Chairman of the All Indian Pueblo Council, do hereby certify that the foregoing Resolution was passed at a duly called meeting of the All Indian Pueblo Council held at the Indian Pueblo Cultural Center on the 20th day of March, 1987, at which time a quorum was present with 19 voting for, 0 voting against; and 0 abstaining.

Herman Agoyo I.
Herman Agoyo I, Chairman

A T T E S T:

John Gonzales
John Gonzales, Secretary/Treasurer

Senator BINGAMAN. Our next witness is Ron Julian, who is a tribal council member in the Jicarilla Apache Tribe, and he is here representing that tribe and representing Mr. Leonard Atole, who is the president of the tribe.

STATEMENT OF RONALD JULIAN, MEMBER, TRIBAL COUNCIL, JICARILLA APACHE TRIBE, REPRESENTING LEONARD ATOLE, PRESIDENT

Mr. JULIAN. Thank you, Senator Bingaman, and tribal delegations, parents and students. President Atole sends his regrets that he is unable to attend duty on this so I am representing Mr. Atole and the Jicarilla Apache Tribe.

Before we get underway I would like to read the prepared statement.

Our interest in education is quite important and for that reason we have a large delegation here, and I would like to introduce them if it is all right.

Senator BINGAMAN. Please go right ahead.

Mr. JULIAN. Members of the tribal council here is Councilwoman Nancy Vejil, on the second row here; Councilman Faron Baltazar, Councilman Joe Muniz, and from the Dulce Board of Education we have our board president Mary Polanco, and she is also the editor of our local paper, so we have no problem with the press; and I'm also on the board of education, so we have a good working relationship with the council and the board of education.

Also with the BIA Board of Education we have two members here; Iola Begay, who is also the director of our department of education; and the other board member is Robert Martinez. And we also have other staff members from the department of education and other parents that are interested in education.

Senator BINGAMAN. We appreciate all of this group being here, and we appreciate the interest you are showing in the hearing. Thank you.

Mr. JULIAN. OK. Thank you.

My name is Ronald Julian, a member of the tribal council for the Jicarilla Apache Tribe, and I am here representing the Jicarilla Apache Tribe from Dulce, NM; and I thank the Senator for inviting us to present testimony on behalf of our tribe, and thank you for allowing us to express our concern and interest and, our view on the education issues which Indian people are facing at this time. Our statement will be brief and in-depth background information has been submitted for the record.

The Jicarilla Apache Reservation was established on February 11, 1887, in north central New Mexico and encompasses 825,000 acres of splendid mountain ranges, sagebrush flats and deep mesa canyons. In 1901, the Bureau of Indian Affairs established the Jicarilla Boarding School. During this same period a Methodist mission school and day school were built.

The issue that we are facing today, which is the transfer of the responsibility of educating Indian people from the BIA to the tribes of State governments has already taken place on our reservation.

In 1956, the Bureau of Indian Affairs closed the Jicarilla Boarding School in accordance with the Bureau's policy of turning over

the education of Indian children to the public schools. At that time there was no legislation which specified consultation with tribes and today such legislation exists, but Indian tribes still are not consulted.

The mere tranferance of the responsibility from one educational agency to another will not improve education. In our situation, we are experiencing much of the same problems which the rest of the Nation—Indians and non-Indians—is faced with: high absenteeism, drop-out rates, drug and alcohol abuse and teenage pregnancy and latch-key children. In fact, there is little or no significant difference in academic achievement between those attending Indian schools when compared with those attending the local public school in the past years.

The Jicarilla Apache tribal leaders have had to view this proposal with utmost concern and strongly object to the proposed transfer of the Bureau of Indian Affairs' responsibility for education to any other agency.

The tribe also strongly opposes the changes concerning budget cuts in the higher education legislation.

There are many Indian students who cannot pay tuition in any amount. At a time when students have finally reached the graduate level in education these cuts are being proposed.

As a tribe we feel that the Federal Government cannot abrogate its trust responsibilities for Indian students whether or not they receive their education from State operated schools or the Bureau of Indian Affairs.

In view of our past history, our tribe was one of the last tribes to finally get a school and most likely one of the first to be turned over to the State, therefore, we are determined to continue to protect our people from further undue hardship by an agency. Although there has been a State public school on the reservation since 1956, the tribe is still affected by all proposals for changes in Indian education.

The history of Indian education in the early 1980's contains records of tribal leaders' concerns about the potential for transferring education functions administered by the Federal Government to State governments. At that time this idea was opposed. Today, in spite of all the opposition by the Indian tribes across the Nation, the Bureau of Indian Affairs continues to pursue their proposal.

On January 12, 1983, President Reagan vetoed H.R. 7336, an act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, as it contained an unacceptable provision which would declare that the Federal Government has a trust responsibility in the area of Indian education. The President also withheld his approval from the same trust responsibility provision included in S. 2623, the tribally controlled Community College Assistance Act Amendments. The President stated that "to declare the provision of education to Indian students a trust responsibility would potentially create legal obligations and entitlements that are not clearly intended or understood."

Nonetheless, recent reports from Congress continue to address Indian education as a trust responsibility. For example, "the special duty owed to Indian people by the U.S. Government under the

trust responsibility" was recognized in House Report 99-231, page 2, which report accompanied the Indian Education Technical Amendments Act of 1985. Indeed, the special Federal responsibility to Indian people forms the basis for all the Federal Indian education programs. Although this action was taken by President Reagan in 1983, the Jicarilla Apache Tribe strongly urges the subcommittee members to disallow such negative language in legislation which may prove to be detrimental to the welfare of Indian people throughout the country.

The Federal Government has a continuing obligation founded in the treaties, executive orders, and numerous Federal laws to protect and strengthen our ability to remain a sovereign tribal community. The United States trust responsibility encompasses much more than the protection of the tribal lands and physical resources. Education is also an essential element of the trust responsibility.

The tribe would welcome more positive action such as the bill introduced by Senator DeConcini on August 7, 1987, to reauthorize Indian education programs within the BIA and the Education Department. The Senator said the programs serve 360,000 Native American students. S. 1645 was referred to the Senate Select Committee on Indian Affairs.

Senator Bingaman, this concludes our statement, and I would like to add some more of my own if that is all right.

Senator BINGAMAN. Please, go right ahead.

Mr. JULIAN. My concern on education, which I presented at your hearing at Highlands University concerns the education of teachers. My feeling, and I have been on the Dulce Board of Education for 9 years, and I have right now six children within the school system, and my feeling in working within the school system is that we need better educated teachers. Our institutions of higher learning here within the State are the ones that are complaining about our school system not adequately preparing our students to meet the entrance requirements. Yet one thing they forgot, they are the ones that are preparing the teachers that teach our children that do not meet the requirements for entrance into these institutions of higher learning, and I feel that we—and I don't know if you can do anything about that—that something has to be done there too, because regardless of whether the teachers go to the Bureau of Indian Affairs, or private school, or State school, they are all coming out from the same institution of higher learning, so we are all competing for the same teachers. And whether we hire them in the State school system, or the BIA, or private schools, if they are not adequately trained they will not adequately teach our children.

Next is on our funding. Most of our Indian reservations are in isolated locations so we cannot—if the funding formula is the same regardless of location, we are already at a disadvantage because we do not have the amenities like Albuquerque or Santa Fe would have, so would we need additional funding so that we can compete for quality teachers on Indian reservations. Here in Santa Fe the teachers can have access to additional training like the College of Santa Fe. They can buy homes and have access to other recreational facilities which we do not have on Indian reservations. The teachers cannot buy homes on Indian reservations so houses are provided, like on our reservation. And the distance that they have

to travel for these amenities cause problems, even the health facilities. Under the Indian Health Service all of our non-Indian teachers can only get medical care if it is an emergency, so they have to travel a long distance just to get regular medical care. And especially those with children would not be able to have their children taken care of in the Indian Health Service Clinic and they would have to take like a whole day off just to get their children's illnesses taken care of, so at least my feeling is that with additional funding that we can compete with the teachers, like I say, with the city of Santa Fe or with Albuquerque. And third is, we the parents. We need to get more involved in the education of our young people. Because the school, in a 24-hour period only 6 hours of that time is taken up by the school system, the rest of the time our kids are in our responsibility. If we do not provide the support or the assistance of our young people and the motivation that they would not be doing the best that they can to get the education.

I have a college degree and I have problems—even with my first grade son—because the new teachers that we hire from these institutions of higher learning give instructions for home work, that me with a college degree, I am having a hard time understanding the instructions given on the homework on what my son should be doing, and just imagine those parents that do not have the education trying to understand the instructions that I am having problems with, so—but I am a little more fortunate; I am on the board and I am on the tribal council so I get some action when I ask for assistance. But how many of you parents are in that category? Very few. So I can just imagine some of the problems that you are encountering with the school systems. And I had to go back and ask for clarification on the instructions that my first grade student had been asked to do. And then, "Well," they said, "this is what I want." Well, see, like one home work, it was detailed instructions and all it was was to match two—draw a line from one like object, you know, but the instructions was such that I couldn't interpret what the intent was. And then I went back to the teacher, and she said, "Well, all I want you to do is draw a line from this to this like object." I said, "Why can't you put your instructions that way?" Instead of a whole page of—I guess just trying to show me that she's educated, you know.

So those are my three concerns. I don't know if there is something that can be done. One is the training or educating of our teachers should be on the range that regardless of where they go, into the State public schools, the BIA schools, or into the private schools, that they educate those kids so they can meet the requirements to go on. And then the funding formula done in a way that those of us that are in isolated communities can compete with like Albuquerque and Santa Fe. And third, that we, parents, need to get more involved. Thank you.

Senator BINGAMAN. Thank you very much.

[The background information attached to Mr. Julian's statement follows:]

THE JICARILLA APACHE TRIBE

P.O. BOX 507 • DULCE, NEW MEXICO 87528
(505) 759-3242

JICARILLA APACHE DEPARTMENT OF EDUCATION

A POSITION PAPER ON
INDIAN EDUCATION
FOR
THE JICARILLA APACHE TRIBE/
THE DEPARTMENT OF EDUCATION

SEPTEMBER 4, 1987

JICARILLA APACHE RESERVATION
FEB. 11 1887 1987

TABLE OF CONTENTS

I. JICARILLA APACHE TRIBE
POSITION STATEMENT

II. JICARILLA APACHE DEPARTMENT OF EDUCATION
POSITION STATEMENT

III. HISTORY OF EDUCATION ON THE JICARILLA APACHE RESERVATION.
ANALYSIS OF POST-SECONDARY EDUCATION OF THE JICARILLA APACHES OF NEW MEXICO .
DOCTORIAL DISSERTATION 1979 - UNIVERSITY OF WASHINGTON. DR. LESTER SANDOVAL.

IV. LETTERS TO UNITED STATES SENATORS:
THE HONORABLE, JEFF BINGAMAN
THE HONORABLE, BILL RICHARDSON

HAND BOOK OF FEDERAL INDIAN EDUCATION LAWS
NATIVE AMERICAN RIGHTS FUND. 1506 BROADWAY,
BOULDER COLORADO 80302

BACKGROUND INFORMATION

THE JICARILLA APACHE DEPARTMENT OF EDUCATION IS SANCTIONED BY THE JICARILLA APACHE TRIBAL COUNCIL VIA RESOLUTION NO.: 82-194, JANUARY 8, 1982. THE JICARILLA APACHE DEPARTMENT OF EDUCATION (JADE) SERVES AS AN ADVOCATE AND REPRESENTS TRIBAL MEMBERS ON ALL EDUCATIONAL ISSUES FROM PRE-SCHOOL TO POST-HIGH SCHOOL AND ADULT EDUCATION LEVELS. THIS RESPONSIBILITY IS CARRIED OUT THROUGH COOPERATIVE PARTICIPATION BY THE EDUCATION STAFF IN ALL PLANNING MEETINGS, DECISION MAKING, POLICY MAKING, IMPLEMENTATION, MONITORING AND EVALUATION AND ASSESSMENT OF ALL PROGRAMS AFFECTING THE JICARILLA APACHE TRIBAL MEMBERS AND OTHER INDIANS LIVING ON THE RESERVATION.

THE DEPARTMENT HAS AN ADVISORY BOARD WHICH IS MADE UP OF SEVEN REPRESENTATIVES FROM EDUCATIONAL (AGENCIES) SUCH AS: THE PUBLIC SCHOOL, FEDERAL TITLE PROGRAMS, SCHOOL BOARD, AND THE BIA DORMITORY PROGRAM. THIS IS AN EFFORT TO INSURE THE FLOW OF COMMUNICATION, THE COORDINATION OF SERVICES, THE PROVISION OF QUALITY EDUCATIONAL SERVICE AND RESOURCE DEVELOPMENT (HUMAN, FISCAL, FACILITIES, ETC.)

SINCE THE INITAL DEVELOPMENT OF THE TRIBAL EDUCATION DEPARTMENT, THE FOLLOWING ACCOMPLISHMENTS HAVE BEEN MADE:

1. THE DEVELOPMENT OF A DEPARTMENTAL PROCEDURES MANUAL AND PLAN OF OPERATION.
2. THE DEVELOPMENT OF POLICIES AND PROCEDURES FOR PROGRAMS SUCH AS THE TRAINING PROGRAM.
3. A COMMUNITY WIDE NEEDS ASSESSMENT, (1984, & 1987).
4. A LIBRARY USAGE NEEDS ASSESSMENT, (1986)
5. ACQUISITION OF FEDERAL GRANTS FOR LIBRARY SERVICES IMPROVEMENT. (1985, 1986, 1987)
6. A TRAINING NEEDS ASSESSMENT (1984, 1985)

THE FOLLOWING ARE FUTURE GOALS TO BE ACCOMPLISHED:

1. THE DEVELOPMENT OF AN EDUCATION CODE WHICH WOULD ESTABLISH THE TRIBAL EDUCATIONAL STANDARDS FOR ALL EDUCATIONAL PROGRAMS ON THE JICARILLA APACHE RESERVATION.
2. THE DEVELOPMENT OF LONG RANGE PLANS FOR THE DEPARTMENT.
3. THE DEVELOPMENT AND IMPLEMENTATION OF AN EVALUATION SYSTEM.
4. CONTINUED EFFORTS TO SEEK FUNDING RESOURCES FOR PROGRAM DEVELOPMENT AND IMPROVEMENT.

THE PURPOSE OF THIS POSITION PAPER PRESENTED BY THE JICARILLA APACHE DEPARTMENT OF EDUCATION IS:

1. TO SUMMARIZE THE CURRENT STATUS OF THE EDUCATIONAL SYSTEM OF THE JICARILLA APACHE RESERVATION.
2. TO PRESENT THE LATEST STATISTICS AND CURRENT TRENDS IN INDIAN EDUCATION AND THE IMPLICATIONS FOR THE JICARILLA APACHE STUDENTS AND PROGRAMS.
3. TO MAKE OUR POSITION KNOWN TO THE STATE OF NEW MEXICO GOVERNOR'S OFFICE.

PART I CURRENT STATUS OF JICARILLA EDUCATION:

THE STATE PUBLIC SCHOOL PROVIDES EDUCATION TO THE JICARILLA APACHES AND THIS WAS ORIGINALLY ENDORSED BY THE JICARILLA APACHE TRIBAL COUNCIL ON JUNE 23, 1955.

PRIOR TO THAT DATE, THE BUREAU OF INDIAN AFFAIRS HAD A ESTABLISHED ELEMENTARY SCHOOL, GRADE 1 THROUGH 8. FOR FURTHER EDUCATION BEYOND GRADE EIGHT, TRIBAL MEMBERS WERE SENT TO OFF-RESERVATION BOARDING SCHOOLS. IN FACT THE UNIQUE FEATURE OF ISOLATED RESERVATIONS, LIKE THE JICARILLA APACHE, WAS THE FACT THAT STUDENTS WERE HOUSED IN DORMITORIES NINE MONTHS OF THE SCHOOL YEAR. BEGINNING IN APRIL 17, 1963, WITH CONSTRUCTION OF LOW-RENT AND TURN-KEY HOMES BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE

JICARILLAS BEGAN TO EXPERIENCE A NEW LIFESTYLE. THE POPULATION OF DULCE BEGAN TO INCREASE WITH THE CONSTRUCTION OF NEW HOMES. AND THE TRIBAL GOVERNMENT ALSO RESPONDED BY PROVIDING MINIMAL EMPLOYMENT FOR A SMALL NUMBER OF PEOPLE.

THE FEDERAL GOVERNMENT, THROUGH THE OFFICE OF ECONOMIC OPPORTUNITY AWARDED THE TRIBE WITH GRANT PROGRAMS SUCH AS THE COMMUNITY ACTION PROGRAM, HEADSTART, AND OTHERS, TO HELP ELIMINATE POVERTY AND CREATE NEW JOB OPPORTUNITIES. THE HOUSING DEVELOPMENT PROGRAM PROVIDED SOME JOBS. IN THE PAST TWENTY-SEVEN (27) YEARS THE TRIBE HAS GROWN IN THE DEVELOPMENT OF COMMUNITY SERVICES AND EMPLOYMENT OPPORTUNITIES FOR TRIBAL MEMBERS.

BECAUSE OF THE COMMUNITY HOUSING DEVELOPMENT, THE MAJORITY OF STUDENTS WERE ABLE TO LIVE AT HOME AND RIDE THE BUS TO SCHOOL.

THE DEVELOPMENT OF COMMUNITY SERVICES AGENCIES INTRODUCED TO THE TRIBAL PEOPLE A BROADER VIEW OF CAREER POSSIBILITIES. EDUCATION WAS FAST BECOMING A NECESSITY TO ACHEIVE THOSE GOALS..

THE CHANGES IN THE EDUCATION OF THE JICARILLAS ARE REFLECTED IN THE FOLLOWING: -IN 1957, THERE WERE FOUR INDIAN STUDENTS THAT GRADUATED FROM DULCE PUBLIC SCHOOL.

- IN 1987, TWENTY-SEVEN JICARILLAS GRADUATED FROM DULCE PUBLIC SCHOOL.

IN HIGHER EDUCATION, INCREASING NUMBERS OF JICARILLAS CONTINUE TO FINISH COLLEGE. HOWEVER, A SIGNIFICANT NUMBER STILL EXPERIENCE DIFFICULTY IN EDUCATION.

THERE HAVE ALSO BEEN IMPROVEMENT IN OUR LOCAL STATE SCHOOL SYSTEM TO ACCOMODATE THE NEEDS OF THE JICARILLA APACHE STUDENTS. SINCE 1956 A JUNIOR, SENIOR HIGH SCHOOL BUILDING AS WELL AS OTHER NEEDED FACILITIES HAVE BEEN

BUILT TO ACCOMODATE THE GROWING NEEDS. CHANGES HAVE BEEN MADE IN THE CURRICULA TO MEET DEMANDS OF THE TECHNOLOGICAL AGE. THE SYSTEM HAS ADOPTED POLICIES TO COMPLY WITH THE NEW MEXICO STATE SENATE BILL 106 AND OTHER MANDATES. THE INDIAN EDUCATION POLICY STATEMENT WILL BE AN ESSENTIAL TOOL FOR INDIANS IN NEW MEXICO. SINCE THE INDIAN REORGANIZATION ACT WAS PASSED IN 1937, THE JICARILLA APACHE TRIBAL LEADERS HAVE STRUGGLED TO IMPROVE EDUCATIONAL OPPORTUNITIES.

EACH SUCCESSIVE GENERATION HAS BECOME MORE ACCULTURATED AND INCREASINGLY AWARE OF THE NEED FOR EDUCATED TRIBAL MEMBERS.

THE STATISTICS AS PRESENTED TO THE TRIBAL EDUCATION DEPARTMENT INDICATE THAT THE INDIAN STUDENTS IN OUR SCHOOL SYSTEM ARE STILL LOWER THAN THE NATIONAL AVERAGE. THERE IS A HIGH ABSENTEEISM RATE AND A LOW SUCCESS RATE. THERE IS A HIGH RATE OF TEEN-AGE PREGNANCY AND DRUG/ALCOHOL ABUSE WHICH INCLUDES THE ELEMENTARY STUDENTS. THE TRIBE HAS BEEN AFFECTED BY WHAT IS HAPPENING NATIONALLY.

THE CURRENT TRENDS IN INDIAN EDUCATION ARE UNSTABLE. THERE ARE BUDGET CUTS AND THERE IS THE DEVELOPMENT OF NEW PROGRAMS TO IMPROVE INDIAN EDUCATION. THE IMPLICATIONS THIS HAS FOR THE JICARILLA STUDENTS IS THAT THE PROBLEMS WILL CONTINUE TO EXIST AND POSSIBLY WORSEN UNLESS THE TRIBAL LEADERS AND PARENTS GET MORE INVOLVED WITH THE EDUCATION OF THEIR CHILDREN AND THOSE WHO ARE INVOLVED, CONTINUE TO PURSUE QUALITY EDUCATION WHETHER IT BE IN A PUBLIC SCHOOL SETTING OR A BUREAU OF INDIAN AFFAIRS SCHOOL. TRIBES MUST KEEP UP WITH THE CHANGES IN THE LAWS AFFECTING INDIAN EDUCATION AND STAY INVOLVED. HISTORY INDICATES THAT THIS IS A PARTTERN FOR MANAGEMENT OF INDIAN AFFAIRS.

POSITION OF THE EDUCATION DEPARTMENT:

IN ORDER TO AMELIORATE THESE EDUCATIONAL PROBLEMS, IT IS PROPOSED THAT VARIOUS ASPECTS OF EDUCATION BE ADDRESSED:

EDUCATION OF INDIAN STUDENTS.

A. FUNDING LEVELS FOR PUBLICH SCHOOLS ON THE RESERVATION.

THE STATE DEPARTMENT OF EDUCATION CURRENTLY MAKES NO DISTINCTION BETWEEN SCHOOLS ON THE RESERVATION AND SCHOOLS OFF THE RESERVATION WHEN DETERMINING FUNDING FORMULAS AND THE AMOUNT OF CREDIT TO BE GIVEN TO FEDERAL IMPACT AID. THE TRIBE RECOMMENDS THAT THE STATE DEPARTMENT OF EDUCATION GIVE SPECIAL CONSIDERATION TO SCHOOLS ON THE RESERVATION TO ACHIEVE A MORE EQUITABLE DISTRIBUTION OF STATE EDUCATION FUNDS. THE COST OF EDUCATING INDIAN STUDENTS ON RURAL RESERVATIONS IS MUCH GREATER THAN THE COST OF EDUCATING STUDENTS IN LARGER TOWNS OR CITIES. A MORE EQUITABLE DISTRIBUTION OF FUNDS WOULD BE ACHIEVED BY GIVING SPECIAL CONSIDERATION TO THE NEED OF SCHOOLS ON INDIAN RESERVATION TO ACCOUNT FOR THIS INCREASE COST OF EDUCATION. SPECIFICALLY, THE STATE SHOULD CONSIDER DEVELOPING A DIFFERENT FORMULA FOR GIVING CREDIT TO FEDERAL IMPACT AID (P.L. 81-874 FUNDS) WHEN ALLOCATING STATE FUNDS TO LOCAL SCHOOL DISTRICTS. IF NEEDED, THE STATE SHOULD SUPPORT FEDERAL LEGISLATION TO ACCOMPLISH THIS RESULT.

B. "HIGH-RISK" STUDENTS.

IN APPORTIONING FUNDS TO SCHOOL DISTRICTS, THE STATE DEPARTMENT OF EDUCATION SHOULD CONSIDER GIVING INCREASED FUNDING TO SCHOOL DISTRICTS WITH "HIGH RISK" STUDENTS, SUCH AS SCHOOL DISTRICTS WITH HIGH DROPOUT RATES, HIGH ABSENTEEISM, AND LOW ACHIEVEMENT TEST SCORES.

C. STATE INDIAN EDUCATION OFFICE.

THE STATE DEPARTMENT OF EDUCATION MUST INCREASE THE FINANCIAL RESOURCES AND STAFFING OF THE STATE INDIAN EDUCATION OFFICE TO MORE EFFECTIVELY SERVE UNIQUE EDUCATIONAL NEEDS OF INDIAN STUDENTS.

D. STATE BOARD OF EDUCATION.

GOVERNOR CARRUTHERS MUST CONTINUE TO APPOINT INDIAN REPRESENTATIVES TO SIT ON THE STATE BOARD OF EDUCATION TO REPRESENT THE INTEREST OF THE LARGE NEW MEXICO NATIVE AMERICAN POPULATION.

E. BIA EDUCATION INITIATIVES.

THE STATE DEPARTMENT OF EDUCATION AND GOVERNOR CARRUTHERS MUST OPPOSE THE INITIATIVES OF BIA ASSISTANT SECRETARY ROSS SWIMMER IN SEEKING TO TRANSFER CONTROL OF BIA SCHOOLS TO INDIAN TRIBES OR STATE RUN SCHOOL DISTRICTS. THE DEPARTMENT AND THE GOVERNOR SHOULD ALSO JOIN THE TRIBE IN OPPOSING THE OTHER EDUCATION PROPOSALS OF ASSISTANT SECRETARY ROSS SWIMMER, SPECIFICALLY THE IMPOSITION OF UNNECESSARY TUITION ON INDIAN STUDENTS IN POST-SECONDARY EDUCATIONAL INSTITUTIONS.

F. INDIAN SCHOOL DISTRICTS.

THE STATE SHOULD REQUIRE INDIAN SCHOOL DISTRICTS (THOSE SCHOOL DISTRICTS WITH SUBSTANTIAL INDIAN POPULATIONS) TO DEMONSTRATE THAT THEY HAVE TAKEN ACTIVE STEPS TOWARDS INCORPORATING TRIBAL INTERESTS INTO THE CURRICULUM OF THE SCHOOLS OR ARE PREPARING TO DO SO. FURTHERMORE, THE CURRICULA MUST BE UPDATED YEARLY TO REFLECT CHANGING EDUCATIONAL NEEDS OF THE INDIAN STUDENTS.

G. LAW ENFORCEMENT FOR JUVENILES.

IN COOPERATION WITH STATE LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS, THE STATE DEPARTMENT OF EDUCATION SHOULD ENFORCE THE ATTENDANCE AND DELINQUENCY LAWS AGAINST NON-INDIANS IN INDIAN SCHOOL DISTRICTS TO THE EXTENT THAT THE TRIBES ENFORCE SUCH LAWS AGAINST THEIR OWN TRIBAL MEMBER JUVENILES.

H. IMPLEMENT POLICY OF OFFICE OF INDIAN EDUCATION.

THE STATE SHOULD AGGRESSIVELY IMPLEMENT THE POLICY OF THE OFFICE OF INDIAN EDUCATION WHICH WAS ADOPTED BY THE STATE BOARD OF EDUCATION ON AUGUST 22, 1986.

THE JICARILLA APACHE TRIBE

P O BOX 507 • DULCE, NEW MEXICO 87528
(505) 759-3242

May 29, 1987

The honorable Jeff Bingaman
United States Senator
502 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Bingaman:

I strongly support the position that you and Senator Domenici took regarding Assistant Secretary Ross Swimmer's proposal to transfer BIA schools to the tribes. I believe this proposal does nothing to improve the BIA school systems, except stir up more controversy. It surely will relief the BIA of it's responsibility to provide adequate education to all Indian children; and to achieve the ill conceived "Budget Cutting initiatives" that the Secretary has been famous for since his appointment.

I have express my own deep concern to the Secretary when he visited the Jicarilla Apache reservation on May 28, 1987. I asked him to consider the overall impact that his proposal will have on Native Americans among which are; to demoralize, the Indian youths in seeking higher education, the economic impact of poverity stricken families and the tendency of having this so call initiative burden tribal governments that already have management problems of their own.

I hope you and Senators like Domenici will continue to oppose initiatives, proposals or legislation that arbitrarily target tribes with quick-fix measures that does more harm than good in the end. Thanks once again for your interest in Native American education.

With best regards,

Arnold Cassador /gm

Arnold Cassador
Administrative Assistant

xc: Leonard Atole, President
Dale Vigil, Vice President
Tribal Council Members
Senator Pete V. Domenici
Assistant Secretary Ross Swimmer
Area Director Sidney Mills
BIA Superintendent Sherryl Vigil

JICARILLA APACHE RESERVATION
FEB 11, 1887 - 1987

THE JICARILLA APACHE TRIBE

P. O. BOX 507 • DULCE, NEW MEXICO 87528
(505) 759-3242

March 10, 1987

The honorable Bill Richardson
United States Representative
325 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Richardson:

I understand that you took a strong position on behalf of your Indian constituent in the recent hearings on the transfer of B.I.A. schools to public institutions. I just want to thank you for looking out for the interest of Native Americans. At least your actions indicates that you are more dear to Native Americans than those our custodians and so call Indian protector Ross Swimmer.

I hope next time B.I.A. or Congress decide to make monumental changes in long standing policies, they consider the impacts from all prospective and not to arbitarily decide on the bases of the dollar. It should be made crystal clear that the U.S. Government still has the trust obligations to all Indian tribes, and to reframe from trying to abrogate that trust.

Thanks once again for taken up such a positive position on this important issue.

With best regards,

Arnold Cassador
Public Affairs Director

xc: Leonard Atole, President
Dale Vigil, Vice President
Regis Pecos, Office of Indian Affairs Director

JICARILLA APACHE RESERVATION
FEB 11, 1887 - 1987

Brief History of Jicarilla Formal Education

Exposure to the white man's way of life for the Jicarillas began with the coming of the white man. The Jicarillas were influenced by the white man's dress, food, weapons, etc.

There was very minimal contact between the Apaches and the Spaniards. As such they had no contact with the missionaries under the mission system. According to Spicer:

> Their contact was debauching, through the Spanish determination to make drinking as popular as possible, and demoralizing, through the deliberate peace-through-dependency policy of the Spaniards.

He explains further:

> . . . No Spanish official or citizen was engaged in promoting any constructive activity among the Apaches . . .[74]

The Franciscan and Jesuit missionaries (agents of acculturation among Indians) never attempted to convert the Apaches. However, even that brief contact has prevailed somewhat, manifested by the respect Jicarillas have for the robe or attire of the priest.

Several centuries of contact with the Spanish-speaking population has had considerable influence on the Apache language. Older members of the tribe are

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[74] Edward H. Spicer, Cycles of Conquest. (Tucson: University of Arizona Press, 1962), p. 243.

fairly fluent in the use of the Spanish language. New words from the Spanish were borrowed and altered to fit the Apache phonetic system.

While other Indian tribes were being placed on reservations during the 1800's, the Jicarillas were beset with countless failures of the federal government to set aside land for their reservation. Even when land was finally set aside, people with ranching and mining interests were able to influence government officials to remove the Jicarillas from their midst, or to survey boundaries in favor of the non-Indians.

Formal education was finally made available to the Jicarillas when they were removed from their northern reservation in 1883 and relocated on the Mescalero Reservation. In 1885, a school at Three Rivers was attended by 10 Jicarillas and 30 more attended the Mescalero Boarding School.[75] An additional 60 children were attending the training school at Albuquerque.[76]

The agent for the Jicarillas and Mescaleros at one time discovered that only about half of the Jicarilla school-age children were attending school. He approached

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[75]Cornell, p. 89.

[76]AR 1885.

the tribe and tried to persuade them to send the rest to school, but it was all to no avail. So the agent visited the camp unexpectedly with a detachment of police and seized the children in order to take them away to school. Some parents escaped with their children, but the police later captured them. The agent explained the manner in which the captured children were dealt with:

> When first brought in they are a hard-looking set . . . Their long tangled hair is shorn close and then stripped of their Indian garb, thoroughly washed, and clad in civilized clothing, the metamorphosis is wonderful . . . (emphasis by author)

Older Indians were considered as detriments to the education of the young. The agent felt that they did much to discourage the children from attending school. The constant moving of campsites remote from the school also kept many away from school.[77]

From these instances it can be seen that the education was not conducted at optimum levels when the Jicarillas resided on the Mescalero Reservation.

On February 11, 1877 President Grover Cleveland, by Executive Order, established a reservation for the Jicarillas in north central New Mexico immediately adjoining the Southern Ute Reservation in Colorado. The total area set aside was 416,000 acres or 650 square

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[77] AR 1886, p. 198.

miles. (The reservation was enlarged through Executive Order of November 11, 1907 to present-day size of 742,315 acres). With the accompaniment of military authorities, the Jicarillas were removed to their reservation during the summer of 1887.

A significant event transpired three days before the Executive Order establishing the Jicarilla Reservation was signed -- the Dawes Act (or the General Allotment Act) was passed. Inherent in the Dawes Act was the policy of the federal government to assist all American Indians in becoming self-supporting, self-reliant and independent, by making them property owners and giving them land in severalty. In essence, the Jicarillas and other Indians were expected to become farmers. After previous failures on the part of the federal government to ratify statutory enactments setting aside land for a Jicarilla Reservation, the Jicarillas had land which they could call their own, and the outlook appeared to be very bright. Some of the things that were projected included: an industrial school was to be established on the reservation in the near future; an experienced farmer, an assistant farmer, and a carpenter would be furnished, together with farming implements, stock, fence, materials, etc., as they might be required. The agent looked forward to:

> . . . better times for the Jicarillas in the near future and a marked advance on their part toward civilization and self support.[78]

The optimism quickly faded as the harsh realities of the new reservation became clear.

It was soon discovered that the best parts of the reservation were in the hands of "bona fide" settlers who squatted on Jicarilla land, thereby depriving them of good land necessary for agricultural pursuits. The government emphasized farming for over three decades despite the fact that:

> . . . white Americans in the locality considered the intelligent management of their property and decided against farming and for timber cutting, stock raising, coal mines, and stone quarries . . . [79]

The Jicarillas were further deprived of the opportunity to become self-supporting when their agent opened the northeast section of the former reservation land, containing grazing land, excellent coal mines and stone quarries to settlement by non-Indian squatters.[80] These coal mines continued to produce large quantities of good quality coal as late as 1939. Granite was also extracted

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[78] AR 1887.

[79] AR 1887.

[80] Fred Nicklason, "Report on the Jicarilla Apache Accounting Claim," Docket 22-A. Indian Claims Commission, for the Years 1887-1940. Sections A, B and C.

from this same area for the state capital in Denver, Colorado.[81]

By the time the Jicarillas were placed on their present reservation in 1887, other Southwestern Indian tribes had their own reservations and day schools in operation. Though the Jicarillas were promised a school on the reservations in "the near future" in 1887, the government postponed building a school so that to many it seemed as though the government did not really want to accomplish this goal. It was not until 16 years later, in 1903, that the school was finally established.[82]

Prior to 1903, Jicarilla students attended off-reservation schools in Albuquerque, Santa Fe, and Fort Lewis, Colorado, despite the parents' opposition, for many came home in poor health and some even died while attending these schools.

There were many rivalries established between schools in the recruitment of Indian children. A district supervisor, successful in recruiting Indian children to such schools as Genoa, Nebraska and Haskell

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[81] Ibid., p. 3.

[82] Ibid., p. 42.

Institute, failed to persuade the Jicarillas and two other Southwestern Indian tribes.[83]

Upon inspection by a government inspector in April of 1894, Ramona School in Santa Fe (a school attended by Jicarilla children), was found to be ill-equipped to handle 75 pupils. Evidences of filth and neglect included:

> "The bedclothes were poor and very dirty, the girls were lousey. The children's clothes . . . would have insulted a tramp . . . The dining room was very dilapidated and the children poorly fed . . . Chase, the Director of the school, skimped the children on everything."

The inspector concluded:

> I do not think such a liar and hypocrite and dishonest man as he is should have the care of Indian children or be encouraged by the government.[84]

The following year 22 students or 9 percent of all Jicarilla school-age children were transferred to the Fort Lewis school in Colorado without the consent or knowledge of their parents.[85]

Land to build a school upon was purchased from Mr. Gabriel Lucero in late September, 1897, after several

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[83] AR 1893.

[84] Nicklason, Section B, p. 54.

[85] Nicklason, Section B, pp. 55-56.

delays to clear the title.[86]

Records indicate that by 1898, Jicarillas refused to send their children to schools off the reservation because half of them had died. And in 1899 not one Jicarilla child attended school anywhere.

In discussing education, the agent provided a vivid picture:

> These poor people have no educational advantages whatsoever. They have petitioned this office time and again for a boarding school, and it is only justice that they be given school facilities. This boarding school at the Jicarilla subagency I consider the most pressing need of this agency. There are 242 children of school age, and the Indians are very anxious for the school. They have promised to send every child to the school and support it faithfully and I believe they will do so. A school with a capacity of 300 can be supported there, and I most earnestly recommend the establishment for the entire plant. About two years ago 160 acres of land was purchased for the establishment of a school, but the matter was allowed to drop . . .
>
> As these Indians are anxious for school facilities and have been peaceable and contented, I think steps should be taken at once to establish the school. The greatest drawback to the schools of this agency is that Indians refuse to send their children. Now that they are in the right frame of mine they should be assisted. The Indians of this subagency are furnished regular rations and annuity issues so that the government will have a very potent means of persuading them to keep their promises in case they show a disposition to evade them.[87]

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[86] Nicklason, Section B, pp. 55-56.

[87] AR 1898, p. 210.

He stated further that a school on the reservation would be an advantage, because the children would not require additional money for transportation.[88]

To make matters worse, drought on the reservation ruined almost the entire crop, compelling the tribe to live on government rations plus small issues of annuity goods.[89] The condition in 1900 was described as very poor, with the drought of the past year causing total failure of crops and the tribe continuing to receive insufficient rations from the government.[90]

Though the completion date as contracted was set for August, 1901, the new school buildings and water system were not finished until April 18, 1902. Even then, the training school was not opened for operation due to the failure of the water storage reservoir. School was finally opened in 1903 after a new reservoir was built. Perhaps the enthusiasm of having a new school resulted in an enrollment of students exceeding the school capacity.[91]

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[88] AR 1898, p. 211.

[89] AR 1899, p. 254.

[90] AR 1900, p. 296.

[91] AR 1903, p. 213.

Only 175 school-age children out of a total of 230 were fit to receive education in 1905. An epidemic of chicken pox was considered to be the reason for a large number of deaths that year.[92] The next year only 165 of the 239 school-age children were physically and mentally capable of attending school.

A "suitable" barn was requested by the agent to comply with the main emphasis of Indian education, that of agricultural training.[93]

The Fort Lewis, Colorado school was closed in 1911 and the buildings and fixtures were given to the governor of Colorado.[94] In return the state of Colorado was to maintain a school where Indian students would be admitted without tuition and on an equal basis with white students.[95] This, the Fort Lewis College did until 1971 when the state of Colorado interpreted the statutory language to allow only Indian residents of the state of

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[92] Cornell, p. 90.

[93] AR 1906, p. 277.

[94] AR 1911, p. 84.

[95] AR 1911, p. 30.

Colorado to be eligible for free tuition.[96]

In the winter of 1911-1912, 47 children died in one week alone. A health survey in 1912 revealed that of the 68 children examined between the ages of 10 and 21, 65 of them showed a positive reaction to tuberculosis. The unusually high rate in the incidence of tuberculosis was attributed to the frailty of the children resulting from extreme poverty of the Indians and especially insufficient nourishment.[97]

The 51 deaths on the reservation in 1912 caused the closing of the La Jara school, which remained closed two years due to the lack of enough pupils to justify operation.[98] Most of the deaths were attributed to tuberculosis. This disease was so widespread on Indian reservations that the 1914 Annual Report discussed methods of combating the "scourge" of the Indian race.[99]

Special Agent O. M. McPherson described the Jicarilla's situation in November 1915:

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[96]Nicklason, Section C, p. 1.

[97]Nicklason, Section C, p. 2.

[98]F. Stanley, The Jicarilla Apaches of New Mexico, 1598-1967, (Pampa, Texas: The Pampa Print Shop, 1967), p. 181.

[99]AR 1914, p. 13.

> . . . the Jicarilla Apaches are very poor, among the poorest in the United States, and until the past three or four years they were without means of subsistence, except as they initiated themselves. That they should complain . . . that poverty and hunger abound is but natural; and to a certain extent their complaint is well-founded. Doubtless there is not a family on the reservation which would not use double the quantity of food and clothing they now do if they had the means of doubling these supplies . . . [100]

Inspector C. M. Knight described the poor health and inadequate nutrition of the Jicarillas in this manner:

> Unless some strenuous effort is made to protect the Indians on this reservation from the scourges of tuberculosis, I can not help but believe that it will not be a great many years before the tribe will become extinct.[101]

From 1912 to 1917 the tribe had diminished by about a third due to this high death rate.[102] And by 1918, the Jicarillas had the highest rate of tuberculosis among all the Indians of New Mexico.[103]

In discussing the mortality rate of the Jicarillas, Cornell told the following story:

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[100] Nicklason, Section C, p. 14.

[101] Nicklason, Section C, p. 19.

[102] Nicklason, Section C, p. 20.

[103] Stanley, p. 182.

> An old Indian about 70 years of age in 1919 said that he had had 18 children and 10 grandchildren, all of whom were placed in schools in Albuquerque, Fort Lewis, Santa Fe, Haskell, and Jicarillas as directed, and there was not one left to be with him in his old age.

By that time, 80 percent of the children between 6 and 18 years of age had tuberculosis and 100 percent of those 6 years old were afflicted with the disease.[104]

The Jicarilla population gradually declined until 1920 when it reached a low mark of 588. The decrease in number was brought about by influenza, measles, mumps, smallpox and tuberculosis.[105] In 1920, after inspection was made of the health situation on the reservation, it was recommended that the government school be changed into a sanitorium.[106] Only 4 persons were attending off-reservation boarding schools that year. The Dutch Reform Church established a mission-boarding school in Dulce in 1921. It contained the first eight grades and operated until 1936. During this time, the Red Cross nurses cooperated with Bureau of Indian Affairs on Indian reservation, including the Jicarilla, according to the

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[104] Cornell, pp. 68-69.

[105] Clyde H. Wilson, Jr. "Changes in the Jicarilla Apache Political and Economic Structures: 1888-1960." (Unpublished Ph.D. Dissertation, University of California, 1961), pp. 68-69.

[106] Cornell, p. 75.

1923 Annual Report.

From 1921 to 1925 the number of children attending school increased from 33 to 55.[107] Every child aged 6 to 8 was examined by Dr. Cornell in 1926. Those who showed any signs of tuberculosis were assigned to the sanitorium and those who were in the best health were sent to the mission school in Dulce.[108] Students were taught at both locations.

During the same year, two public schools were in operation, both located at the sawmills operating on the reservation, one 12 miles south of the agency, and the other 6 miles west. For the most part, only non-Indian children of individuals working in the timber industry attended these schools. The present (1978) New Mexico Secretary of State, Ernestine Evans, taught at the old Pounds Mill School during the 1937-38 school year.

According to Cornell, the lack of knowledge on the part of Jicarillas of the concept of disease and its care and cure was responsible for the rapid spread of disease on the reservation.[109] Inefficient and inconsistent

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[107] AR 1921-1925.

[108] Cornell, p. 75.

[109] Cornell, p. 72.

medical care and treatment were also reported to be factors contributing to the poor health of the Jicarillas.[110] Testimony by Dr. Cornell at the 1931 Senate Subcommittee hearings revealed that 97 percent of the children ages 4 to 14 reacted to the tuberculin test, and that over 62 percent of the children between the ages of 4 and 19 then had tuberculosis.[111] By 1937 there were still 50 children at the sanitorium.

As mentioned earlier, the government school served as a sanitorium for a number of years. The superintendent described the educational setting, ". . . the children were not only bed patients, but also bed students -- a rather novel and rare thing in school systems."[112]

The government took over the education of all the Jicarillas in 1936. Thereafter, most of the children attended Indian school on the reservation and a few attended high schools at non-reservation government schools. In 1949 only 8 students were enrolled in high schools.[113] In the 1950's the number of high school enrollment and

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[110]Nicklason, Section D, p. 34.

[111]Nicklason, Section D, as quoted on p. 36.

[112]Stanley, p. 215.

[113]Stanford Research Institute. Needs and Resources of the Jicarilla Apache Indian Tribe. Vol.I. (Menlo Park: Stanford Research Institute, 1958), p. 22. (Hereinafter referred to as Stanford Research Institute, Vol.).

number of graduates gradually increased, with the majority graduating from Santa Fe Indian School at Santa Fe, New Mexico.

Then, in 1956, the Dulce Public School, containing kindergarten and 12 grades, was established on the reservation, and the government school (kindergarten through the eighth grade) was closed. This was in accordance with the Bureau of Indian Affairs' policy of turning over the education of Indian children to the public schools. The accessibility of a high school on the reservation enticed many Jicarillas who had been enrolled in off-reservation high schools to return. In fact, the new high school had to accommodate seniors, whom they did not expect during the initial year.

By 1957, there were about 390 Jicarilla children attending elementary school and 62 in high school.[114] With the increase in the number of Jicarilla high school and GED graduates came a corresponding need for post-secondary education and training.

Recognizing that post-high school education and training for a better way of life was beyond the means of the majority of Jicarillas, the Jicarilla Apache Tribal Council in early 1955 initiated plans toward development of a

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[114]Stanford Research Institute, Vol. I, p. 22.

fund from which to provide financial support for the tribal members. Later, on September 2, 1955, the Jicarilla Tribal Council appropriated one million dollars to be set aside from tribal funds for the purpose of establishing a source of income for the education and training of the members of the Tribe. The funds were named after Chester E. Farris, a retired official of the Bureau of Indian Affairs, "who, during his long career with the Bureau, rendered great service and showed himself to be a great and sincere friend of the Jicarilla Apaches." He had advised the Jicarillas to make provision for the future education and improvement of the young men and young women of the Tribe.[115]

It was further resolved at the meeting that:

> . . . only the income and earnings from such fund may be expended for any purpose, and the principal sum appropriated and set aside hereunder shall be kept intact for a period of not less than twenty years from the effective date (April 2, 1956) and thereafter as long as it shall be the will of the Tribe to maintain such educational fund . . . [116]

The tribal attorney was instructed to prepare a plan for the establishment and operation of the trust. This was modified by the Field Solicitor, William A. Brophy.

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[115] Jicarilla Tribal Council Resolution 410, Sept. 22, 1955.

[116] Ibid.

to meet certain technical requirements. The revised plan or agreement was presented to the Executive Committee of the Jicarilla Tribal Council at a meeting held on April 2, 1956, and was unanimously adopted as evidenced by Jicarilla Tribal Council Resolution 580. This same agreement was presented to the Jicarilla Tribal Council at a special meeting held on April 18, 1956, at which time the terms of the agreement and the schedule of cost prices for administering the trust were explained to the Council members.[117]

On July 20, 1956, the Jicarilla Tribal Council appointed five members to the Tribal Scholarship Committee (Chester E. Farris Scholarship): Samuel Rosenberg, Reservation Principal, Chief of the Branch of Education, Bureau of Indian Affairs, Jicarilla Agency; J. Kenneth Long, Loan Examiner, Chief of the Branch of Credit, Bureau of Indian Affairs, Jicarilla Agency; Lee C. Martin Martinez, Chairman, Jicarilla Tribal Council; Norman TeCube, Vice-Chairman, Jicarilla Tribal Council; and Alfred Velarde, Secretary, Jicarilla Tribal Council.

The Tribal Scholarship Committee met for the first time on July 26, 1956 in the library of the school office building to formulate the organization and function of the

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[117]Jicarilla Tribal Council Resolution 607, April 18, 1956.

Scholarship Committee. At that meeting the following officers were chosen: Chairman, Samuel Rosenberg; Vice-Chairman, J. Kenneth Long; and Secretary, Alfred Velarde

The Trust Agreement of April 2, 1956 and Resolution 410 of September 2, 1955, dictated that the disbursement of funds should be for:

> ...education and training of members of the Jicarilla Apache Tribe for higher education above the twelfth grade, and for specialized vocational training at either the high school level or above...

Jicarilla Post-Secondary Education. Five tribal members attended institutions of post-secondary education on educational loans prior to the establishment of the Tribal Scholarship Fund. These loans plus the interest were paid off later from the Chester E. Farris Scholarship Fund on August 19, 1958.[118]

A list of students attending school on the tribal scholarship, dated September 30, 1957, indicated that 9 of 12 Jicarilla students were attending college or university. Almost every one of them had graduated from an Indian school. Only 2 of the 12 -- both pursuing vocational education -- subsequently finished their training.[119]

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[118] Jicarilla Council Resolution #59-87.

[119] BIA Education Records.

During the school year 1960-61, 10 of the 15 Jicarilla students on tribal scholarships attended college or university. Of these, 5 eventually finished their education, 4 from college and 1 from vocational school.[120]

Slightly less than a third, or $15,142 out of a total of $63,011.00, was spent for college scholarships the next year. The remaining amount was used for other training, categorized as: post-graduate, high school; correspondence school; commercial school; relocation - vocational; and special training schools, programs, etc.[121]

Forty-one individuals received financial aid during the 1962-63 school year, with 9 for college or university and the rest for vocational/technical training. The following year the number receiving aid decreased to 30 and the total amount utilized was $55,988.00.[122]

By 1964, it was calculated that a total of 132 individuals had been assisted through the tribal scholarship for post-secondary education. Though the Bureau of Indian Affairs was administering the tribal scholarship funds,

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[120] Ibid.

[121] BIA Education Records.

[122] Ibid.

almost no federal funds were utilized as financial aid.

Seventeen of the 23 tribal members assisted financially attended college in 1969. A total of $43,165.00 was utilized for post-secondary education that year. And by 1973 the amount of funds utilized as scholarship increased to $74,253.00. That year 9 Jicarillas pursuing a degree beyond the baccalaureate degree were also assisted,[123] and 37 out of a total of 52 individuals received partial assistance from the Bureau of Indian Affairs, 4 from college-based programs and 1 from the Veterans Administration.[124]

Summary. The federal government was unable to ratify several treaties with the Jicarilla Apache Tribe. Therefore, the Jicarillas did not have a reservation until 1887, when the present reservation was established through an executive order.

The area of education was considered one of the most glaring instances of mistreatment of the Jicarilla Apaches. They were promised a school and educational facilities when the reservation was established. However, despite the efforts of both the Jicarillas and their

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[123] Ibid

[124] FY 73, Chester E. Farris Education Fund Report.

Indian agents petitioning the federal government to fulfill their promises of a school on the reservation, it was not until the beginning of the twentieth century that the school was finally established.

Other Indian tribes had schools on their reservations and a few such as the Cherokees and the Choctaws had their own school systems before the Jicarilla Reservation was established. Even the Pueblos of New Mexico had day schools flourishing on the reservations. So, in comparison with other Indian tribes, the Jicarillas were among the last to receive educational services. The enthusiasm of attending school on the reservation resulted in enrollment exceeding the capacity of the new school. But the enthusiasm was short-lived. No sooner had the children started entering school in larger numbers than the health of the Jicarillas began to deteriorate as a result of diseases to which they had no resistance.

Providing education for Indians is the most basic reason for the existence of the Bureau of Indian Affairs. But in the case of the Jicarillas, the main emphasis was on providing health care and literally preventing the Tribe from dying off. So, from about 1910 through the 1930's, very little education was provided the Jicarilla Apaches. And it was not until the 1950's that a significant number of Jicarillas attended secondary schools both on and off the reservation.

Senator BINGAMAN. Thank you very much.

Our final witness on this panel is Mr. Joseph Abeyta, who is the superintendent of this Santa Fe Indian School, and Joe has been introduced and thanked several times already this morning. I will go ahead and let him testify.

STATEMENT OF JOSEPH ABEYTA, SUPERINTENDENT, SANTA FE INDIAN SCHOOL

Mr. ABEYTA. Thank you very, very much, Senator Bingaman. The Honorable Pueblo Governors, Chairman Agoyo, the Honorable Mr. MacDonald, the Honorable Mr. Julian, Santa Fe Indian School Board members, parents, students, and friends of young Indian people, it is a very, very special pleasure to have this opportunity to be a part of these hearings this morning, but quite honestly I feel a bit intimidated by the company that I am in because of their very, very special role in regard to their tribes and to their communities. But, Senator, all I need to do is look up into the loft and see some of my students and look at the first row of people in attendance this morning, notably the leadership of my Pueblo community and I feel such a surge of energy in regard to a responsibility that I have got on behalf of the young people that are a part of our Santa Fe Indian School program.

The testimony that we have prepared for you has been submitted prior to this morning's session, and at this point, Senator Bingaman, with your permission I would like to summarize four points that are of importance to the school.

First of all I want to take this opportunity publicly to thank you, Senator Bingaman, for the advocacy role that you have had in regard to our school program. Specifically, I would like to thank you for all of the assistance that you have lent in regard to the National School Recognition Program and the honor that will be bestowed on the Santa Fe Indian School in early October by the President of the United States. I think that in all fairness it is important to share with the audience a very brief story in that regard. And it is that a year ago Senator Bingaman participated in our orientation program, the first day of school in Santa Fe. The year prior to that Senator Bingaman, along with members of his staff, visited our school, got into some of our classrooms, talked to our teachers, talked to a number of our students, and I believe at that point it was when he suggested that the whole issue of Indian education nationally is in some crisis. There are some very, very important people in this country that are quite critical of the successes that we have realized in the area of Indian education, and it was because of Senator Bingaman's encouragement that the Santa Fe Indian School competed with all of the other schools nationally that were interested in recognition. And I am very, very proud to report to all of you today that, in spite of all of the criticisms and all of the negative attitudes that has been expressed in regard to our children and in regard to those efforts that we have all made, in spite of all that criticism we are being recognized as the only Indian high school nationally to receive recognition as part of the President's program administered by the U.S. Office of Education; and for that, Senator Bingaman, we are appreciative.

In regard to the topic of today's agenda; namely, Mr. Swimmer's initiative, I don't want to repeat or belabor the issue. Our chairman has spoken on our behalf already.

As far as the Santa Fe Indian School Board is concerned and everyone associated with our program, we are in support of our leadership in opposition to Mr. Swimmer's initiative, and we feel that it is an unfortunate situation that his initiative seems to be a throw back to the 1950's, when Indian people were dealt with out a paternalistic attitude; out of an attitude that suggest that Indian people are not competent, that they are not capable of managing responsibilities for their own destiny. I would like to suggest that all of those officials are in gross error and we look to you, Senator Bingaman, in carrying back a message for all of us; that, in fact, we are capable. In fact, we do care about our youngsters. And that we are prepared to do all within our power to succeed on behalf of that very, very important resource to all of us; namely, the young people that make up all of our communities.

Senator Bingaman, I know that you are aware that the House of Representatives has passed a piece of legislation that was labeled H.R. 5. I know that you know also that that piece of legislation is now on the Senate side and that the Senate Labor and Human Resources Committee has responsibility for seeing this very, very critical part—this very, very critical piece of legislation through the Senate. The Santa Fe Indian School and its board is in support of that legislation. And I want to tell you that Santa Fe Indian School specifically, because of action taken by Representative Richardson, is included by name in that legislation as a potential recipient of model school status. I think that that whole concept of model school status is so critical for us here because I think we need to, in fact, demonstrate to people that we are concerned, that we are capable and that we need an opportunity to show what we are capable of doing. I think that it is quite unfortunate that on frequent occasions we are told that we are inadequate. There's a self-fulfilling prophecy that we are all familiar with, in that, if you tell people long enough that they are not capable and they are not competent, unfortunately sometimes that becomes a part of how people feel about themselves. Rather than have a negative attitude in regard to Indian education, we want people to give us an opportunity to show what we can do and to do it in a positive way. When we ask for some special consideration in regard to special needs, especially some of those that were expressed by our chairman, we need to have a positive attitude and a constructive attitude that is based on an idea that there is confidence that we can accomplish rather than decisions that are made based on an idea that they can't do it, and they are going to waste money, and they are going to make a mess of an already difficult situation.

Senator Bingaman, we need your support in changing an attitude that I think if it is changed it is going to mean good things for all Indian people in regard to their pursuit of opportunity.

Finally, Senator Bingaman, I've mentioned already that there is extensive testimony that we have submitted, but I want to touch on a couple of items just very, very briefly as part of my final point.

It was pointed out earlier by the chairman of the Navajo Tribe where our teachers stand in regard to the rest of the country and their salaries. Well, in the State of New Mexico it is my understanding that out of 87 school districts, Santa Fe Indian School ranks No. 84. We don't pay our people what they are worth. And it concerns me that if we don't pay people what they are worth we are going to lose some very, very competent and very, very capable contributors. The success of Santa Fe Indian School can be directly related to people. I am convinced that all of the hardware, all of the software in the world, all of the varying philosophies in regard to what works and what doesn't work is second to people. We are blessed in Santa Fe with a very, very competent, committed group of people that take the form of teachers; and when I say "teachers" I am not limiting that term to only those people that are in the classroom teaching math and science, but at Santa Fe Indian School we extend that definition to include every single person that is a part of the school community, whether they are a part of the kitchen staff or whether they are part of the plant management staff. We have competent people that are contributors to an idea and we need some support in paying them what they deserve in terms of a salary.

Second, Senator Bingaman, very important for us. If we are going to continue, there needs to be some support for an idea that has to do with replacement costs for consumables, for budgets available to support capital outlay; 561 in the legislation that funds the program now does not have that availability clearly spelled out. There's only so many times you can dissect a frog, and the frog needs replacement. Senator Bingaman, there's only so many school years that a mattress in our dormitory is going to last and be adequate. We want for our kids every opportunity. We want for our kids every, every, every opportunity to succeed and this issue of replacement cost is such a critical part of that whole agenda.

Finally, Senator Bingaman, we have run into a bit of a trouble, a bit of a misunderstanding and a little bit of trouble with the central office and the Bureau of Indian Affairs. I know that there is a representative of that office scheduled for testimony today. I am hoping that you will help me with a concern and I am looking forward to an opportunity to address our concerns quite specifically in regard to the visitor; namely, it's transportation. At the present time we are at capacity in our dormatories. We have 515 kids enrolled here. We have an additional 75 kids that want to join our programs and are prepared to ride a bus from some of the communities—some of the pueblo communities adjacent to the city of Santa Fe. The idea of transportation, the idea of setting up a bus program for those youngsters that want to come to Santa Fe has been labeled as an expansion of existing school programs, which means that there is potential for denial of our request. As minimal and as small as that concern might be, it is of extreme importance to a number of parents that are in attendance this morning that have those children that want to join our program and be part of our day school program.

Senator Bingaman, in summary, thank you so much for the role that you have played in regard to not only Santa Fe Indian School but all Indian youth across this country.

Our position in regard to the so-called "Swimmer Initiative" is that of the All Indian Pueblo Council and we reject it.

We need your assistance in seeing that the Model School Program and H.R. 5 continues the success through the Senate in the Committee on Labor and Human Resources. And finally we need your assistance in regard to paying our teachers what they are worth. We need your assistance in getting a budget to replace those items that are consumable. And we need your assistance in convincing the Bureau of Indian Affairs that transportation and inclusion of day school students is not an expansion of program but simply a response to our parents and to the people that make our school possible.

Thank you very, very much for being here. Thank you very, very much for listening to me on behalf of all of our pueblo people that are associated with the school.

Thank you, Senator.

Senator BINGAMAN. Thank you very much, Mr. Abeyta.

[The prepared statement of Mr. Abeyta follows:]

PREPARED STATEMENT OF JOSEPH ABEYTA

STATEMENT
OF THE
SANTA FE INDIAN SCHOOL

BEFORE THE
JOINT ECONOMIC COMMITTEE OF CONGRESS
SUBCOMMITTEE ON EDUCATION AND HEALTH

Presented by

Mr. Joseph Abeyta
Superintendent

September 4, 1987

Mr. Chairman and Committee members, my name is Joseph Abeyta. I have the distinct honor and privilege of being Superintendent of the Santa Fe Indian School, a tribal controlled and operated contract school for approximately 500 students in grades seven through twelve.

INTRODUCTION

The All Indian Pueblo Council, representing the Pueblo people of New Mexico, was the first Indian group to gain control of the planning and operation of an educational system under the provisions of P.L. 93-638, the Indian Self-Determination Act (1975). A year ago in October, 1986, the Pueblo Governors, mandated that the Board of Education be the principal contractor. We are proud to say that Santa Fe Indian School is now in its eleventh year of operation.

Our school has a set curriculum and is accredited by the North Central Association and by the New Mexico Department of Education. We have an all Indian Board of Education and a very active Parent Advisory Committee. Students at our school are achieving at or above grade level and are achieving the school's goal of gaining at least one year on the CTBS test for each year they attend our school. For the last two years the majority of graduates went on to higher education and they have received over $250,000.00 of competitive awards (Tribal scholarships not included). This year the school was recognized by the U.S. Department of Education as being one of the outstanding educational programs in America.

The schools's success comes from local control, parental and community involvement and a dedicated and experienced staff. However, we are still handicapped by inadequate funding and widely fluctuating Bureau of Indian Affairs' policies and procedures. Today I will briefly discuss eight areas of immediate concern for your consideration:

I. <u>Assistant Secretary of the Interior's proposal for contracting Bureau funded Schools:</u>

Mr. Swimmer's initiative lacks tribal consultation and no information on effect in areas of (1) governance (2) finance (3) educational program and (4) facilities.

II. Cost of Living:

The funding formula under P.L. 95-561 should be amended to include a cost-of-living increase for staff at contract schools.

III. Busing/Day Students:

We are requesting to start a limited busing program for 30 Day students who live in the immediate vicinity and can not live in the dormitory because of limited space.

IV. Student Transportation:

We are requesting that the Bureau of Indian Affairs give us transportation monies equal to present funding, but that the tribal leadership be allowed to decide when these four trips will take place during the school year.

V. Bureau Testing Requirements

The Bureau's policy of C.T.B.S. pre and post testing for each year is educationally unsound and needs to be re-evaluated.

VII. Gifted and Talented Students

We are requesting that the line item under P.L. 95-561 for Gifted and Talented Indian students be funded.

VIII. Chapter I

The position of Santa Fe Indian School is that as a P.L. 93-638 Contract School we should be treated as a Local Education Agency (LEA) and have the right, through our local parents and staff, to identify our own needs, staffing and program design.

I. Mr. Swimmer's initiative to Contract Bureau funded schools

This year, January 12, 1987, Ross Swimmer called a meeting with the 19 Pueblo Governors to discuss with them his "initiative" to contract all Bureau funded schools in the states of New Mexico, Arizona, and South Dakota. This meeting was after Mr. Swimmer had released to the newspaper his plan and there had been no tribal consultation to this point. Because of another scheduled meeting, tribal Governors were only given 45 mintues to ask any questions they might have on this plan after Mr. Swimmer's presentation.

One of the basis for Mr. Swimmer's plans is a report, "Observation and Interviews on Native American Education," sponsored by the Gould Foundation for Children. This report states:

> "Parents on reservations are particularly incompetent" - page 5
> "The reservation is virtually a community of alcoholics" - page 7
> "I had the...feeling that I was witnessing a process of complaisant almost voluntary genocide" - page 17

These remarks reveal the level of thought and integrity behind Mr. Swimmer's plan. No study has been made of the effect on the reservation of turning over the schools to the state in the areas of (1) governance (2) finance (3) educational program and (4) facilities.

Since Mr. Swimmer is in charge of the Bureau, we wonder why he is staying in that position if he thinks the system is incapable of reform and that he has so many incompetents under his supervision that the only solution is to turn the educational system over to someone else.

The basic line is that before we can say the initiative is a bad or good idea, much more study needs to be made with tribal consultation at all points.

If tribal leadership wanted to contract for the school the mechanism under the Indian Self-Determination Act P.L. 93-638 has been in place since 1975.

II. Cost-of-Living Increase

Unlike the majority of federal programs (such as Social Security), the Indian Student Equalization Formula (P.L. 95-561) does not incorporate any kind of salary step increase funding for Contract School staff. Therefore, as prices increase and utility costs rise, the amount of funds generated by enrollment has remained the same or even decreased. Contract schools must remain solvent and maintain a decent living standard for professional staff.

There are eighty-eight school districts in New Mexico. The average returning teacher's salary for the State in 1986 was $23,976.00. For Santa Fe Indian School the average returning teacher's salary was $21,420.00 which places the school in 82th position out of all the 88 school districts.

For resolution of this problem, in consultation with the Bureau, a special line item needs to be created under P.L. 95-561.

Cost:
Depends on the amount of increase

III. Busing/Day Students

For the past eleven years Santa Fe Indian School has had a small number of Day Students from the immediate vicinity. These students have been unable to reside in the dormitories because of lack of space, student rights violations, or parental choice. We have had over 600 student applications for the last several years with only dormitory space for approximately 500 students.

In the Fall of 1985, we proposed a limited busing program for 30 students. On September 24, 1985, we received a memorandum from Nancy Garrett, Deputy Director, Office of Indian Education Programs. She stated, "I would remind you that Santa Fe Indian School was established as a boarding school and that no expansion to include a day program has been approved." Because of this narrow interpretation of program expansion, we were forced to stop the busing program.

The bus service would provide transportation primarily for junior high level students. Any vacant space on the buses would be utilized by senior high students.

Justification for busing day students is two fold.

1. Many junior high aged students still need the daily support system of their home. Busing would enable these students to attend school in a supportive educational environment while living at home.

2. Santa Fe Indian School can statistically show that the longer students attend this school, the more likely it is by the 12th grade they willl be achieving at grade level. Dormitory space for junior high students is limited to 130 students. Busing will enable a greater number of students with the opportunity to attend Santa Fe Indian School for a full six years.

For this coming Fall, 1987, we are again requesting authority for a limited (30) thirty student busing program for students who live in the immediate vicinity. Again a few days before school is to begin, we are being told that this has to be decided by Central Office. School has started and we have no answers.

Cost: $30,000.00

IV. Student Transportation - P.L. 95-561

Presently the Bureau has extremely restrictive procedures on funding for student transportation under P.L. 95-561. Transportation costs are now calculated for trips four times a year. These trips, according to the Bureau procedures, must be: "at the start of the school year; to home and back at Christmas and home again at the end of the school year." These designated times by the Bureau won't work for us and we therefore have been severaly penalized by restricted transportation monies.

Santa Fe Indian School serves over twenty-five (25) different tribal communities and for the past 10 years, we have expended vast amounts of energy to foster community involvement. With a community base, it is crucial that our School Board decide when children will be taken home and returned. It is Board policy that parents bring their children to the school for Fall orientation at the beginning of the school year. Religious training, feasts, community holidays are scheduled throughout the school year when it is the tribal leaders mandate that their children return to their home communities.

Again we appealed the Bureau procedures and the response by Nancy Garrett, Deputy Director, Office of Indian Education Programs, September 24, 1985 was "If the school administrator and the School Board decide that boarding students will be taken home more frequently,...funding will not be provided".

We are not requesting monies for more frequent transportation costs, we are only requesting an equal amount of money to the four times designated by the Bureau and that tribal leadership have some say on when those four trips will be.

Cost: None
Only equal transportation monies

V. Bureau Testing Requirements

In August, 1985, we received from Nancy Garrett, Acting Director, Office of Indian Education, a memorandum establishing the Bureau's Achievement Test Policy. This policy states that all Indian students in grades 2 through 12 at Bureau funded schools will be pre and post tested each year. The justification was that, "we (the Bureau) need to have a uniform testing measure with which to compare our student's academic achievement."

No one can dispute the justification, it is the Bureau's procedures which are educationally unsound:

1. Theoretically a student, taking the test from grades 2 through 12, would take the same test or forms of it 22 times. Students are being overtested, are bored with the tests, and frequently even memorize the questions.
2. Achievement testing twice a year is also very expensive and time consuming. Each testing period takes at least three days or six days a school year. Again theoretically an Indian child would have spent sixty-six days of achievement testing under Bureau policy during his/her education careers. We have never heard of a public or private school system that requires this much testing. In New Mexico, public school children are tested in the Spring only in grades 3, 5, and 8 with competency tests at the high school level.

We propose a compromise with testing once a year, either Spring or Fall but not twice a year. We challenge the Bureau to name one testing specialist who would support the present testing policy.

VI. Gifted and Talented Students

Traditionally, education programs for Indian children have been remedial and focused on children with learning problems. It is our experience that each year we are seeing more students who should be classified as "gifted and talented" and have an enriched program. The need for financial support in this areas was recognized in P.L. 95-561 which was passed in 1978 but the line item for Gifted and Talented has never been funded.

According to national statistics, approximately nine percent of the general population may be classified as "superior" based on I.Q.. If the ratio is projected onto the 40,000 students in B.I.A. funded schools, it could be expected that 3,600 students would be in the gifted category. Under P.L. 95-561 the exceptional child may receive a weight factor from .25 to 3 units (1 unit = approximately $2,000.00) depending on the nature of the services delivered. A factor of .50 is moderate and allows the students to participate in the regular program while receiving special services. Using this funding factor as a base, a total of $3,600,000 would be required to fund such a program for Indian children.

Cost: $3,600,000.

VII. Chapter I

Santa Fe Indian School Chapter I program has been identified as the National exemplary High School program by the Bureau of Indian Affairs because of the positive effect that it has had on approximately 1/3 of our students, those students who are in most need of educational assistance. Target students have consistently improved and maintained positive growth on CTBS test scores. Without Chapter I, these students would not receive this educational support above and beyond what other students receive.

On February 6, 1987, without warning and consultation of parents, tribal leaders, or staff, we were informed by Bureau of Indian Affairs (Office of Indian Education Program staff) that the Bureau was drastically reorganizing the administration of the Chapter I programs. This reorganization makes BIA agencies the Local Education Agency (LEA). However, according to the 1984 Memorandum of Understanding between the Bureau of Indian Affairs and Department of Education, the schools are identified as the Local Educational Agency and the Bureau of Indian Affairs is the State Education Agency (SEA). These changes will drastically reduce and/or eliminate our "exemplary" program.

The position of the school is that as a P.L. 93-638 contract school, we feel that it is appropriate that we should be treated as an LEA and have the opportunity to define, through our local parents and staff, our own needs and staffing, and to design our own Chapter I program.

Senator BINGAMAN. Well, thank you very much. Thank you very, very much for the excellent testimony that all of this panel has provided.

Let me say that we are—unfortunately as these hearings sometimes develop, we are running behind, and I think what I will do is to hold the questions that I have worked up for this group, and try to ask those to some of the later panels in order that we can get on with the rest of the panels, panelist, before we have to adjourn this noon.

So let me just thank this panel, and go ahead and dismiss them, and call for the third panel.

Before this group leaves, let me indicate that I know there are many tribal officials in the audience who are not able to testify today because of the short time we have, but let me mention a few of those. Moses Chavez, who is the Lieutenant Governor of Sandia; Luciano Calabaza, who is the Governor of Santo Domingo; Stanley, Acoma Governor; Paul Tosa, who is the Governor of Jemez Pueblo; Robert Valaska, who is the Governor of San Felipe Pueblo; Joe Vermejo, who is the Governor of Jicarilla; Manuel Solis, who is the Governor of Zia; and Eddie Martinez, who is the former Governor of the Pueblo of La Junta. I am sure there are many others in the audience who I have not recognized, and I appreciate all of your presence very much. I thank this panel again for your help.

Mr. AGOYO. Senator Bingaman, I have two very important people here with me, one of them is the chairman of the Navajo Nation Education Committee, Daniel Sole, back there. And the other is the executive director of the Navajo Nation Division of Education, Rebecca Martgan.

I too would like to thank you, Senator, for allowing us this opportunity to share with you the need for quality education. I guess to sum it up from the Navajo's prospective is, what does it take to have quality education? Of course, money. We need money in every way to meet the need that exists on Indian reservations. Number two, we need to get rid of many of these awful regulations, and if you can get these regulations off the backs of our people, our people are ready and willing to get on with the job of educating our children. That is the bottom line. We need to get on with that. And, also, on the Navajo, we need to move toward unifying all these various school systems existing, not only from various agencies but within different States and school districts; so I again appreciate the opportunity to be here this morning. Thank you.

Senator BINGAMAN. Well, thank you very much. Why don't we dismiss this panel at this point and call for the third panel for witnesses.

Ms. Marlis Mann is an education specialist to Governor Carruthers, and she is here and we appreciate her very much, if she would come forward.

Mr. Alan Morgan, who is the Superintendent of Public Instruction for the State Department of Education. Ms. Rena Salazar, who is the Director of Indian Education Division in the Department of Education.

Also accompanying Rena Salazar and Alan Morgan is Mr. Rudy Castellano, with the State Board of Education, who is Chairman of the Indian Education Committee.

OK. Let's get started again here. I thank this panel for coming forward.

Our first witness in this panel is Marlis Mann, who is with Governor Carruthers' office, and who has been very gracious to agree to testify and give us the position of the State of New Mexico on these important issues. Thank you.

STATEMENT OF MARLIS MANN, EDUCATION SPECIALIST, ON BEHALF OF HON. GARREY CARRUTHERS, GOVERNOR, STATE OF NEW MEXICO

Ms. MANN. Senator Bingaman, I am here to represent the Governor today. I want to share with you his remarks that he prepared for this testimony.

I welcome the opportunity to express my concerns to the Joint Economic Committee of Congress, Subcommittee on Education and Health, with the proposed transfer of the Bureau of Indian Affairs schools to tribes or local governments and with Indian education in general.

In regard to Mr. Ross Swimmer's BIA schools transfer proposal, I personnally have not yet taken a position as to the appropriateness of such transfers for the individual BIA schools, tribal groups, and the State of New Mexico.

I do, however, as Governor of the State of New Mexico, expect strong assurances from the Federal Government that all legal and fiscal aspects of this transfer, when and if it should occur, be in place and that the initial and recurring costs involved for the tribes, State of New Mexico or any combination therein, be guaranteed by forthcoming Federal legislation. The present system has grown up over many years. A precipitous change is one the State and the tribes cannot accommodate either fiscally or administratively without adequate cooperative planning.

To date it has not been clear from the information we have received who will have final financial responsibility. There is no way the State of New Mexico can assume these costs within our current and projected revenues.

In conversation with Mr. Swimmer, I offered to convene Indian leadership on a statewide basis to discuss the proposed transfers. My office is prepared to do this at the point it would be helpful to all parties concerned. As we have had little information to date as to specifics, I am hopeful that these hearings will shed more light on the situation and therefore make such a convening of affected parties more fruitful.

I am pleased to see the written dialog between Senator Bingaman and Mr. Swimmer. If I am correct in my interpretation, it appears we are in a dialog period and the assurances I am requesting as a necessary condition for such transfers are yet to be defined, not only in content but structure as well.

I would like to point out that the transfer of schools to an Indian tribe is not a new process for New Mexico. The State Board of Education and State Department of Education entered into a transfer process with the Zuni Tribe to transfer the public schools of the Zuni Pueblo from the Gallup-McKinley School District to a newly created LEA—the Zuni School District. This process took a total of

almost 12 years—10 years of discussion among the Zuni people as to why they wanted their own school district, an election where they decided to create their own district, followed by a 2-year planning phase before they became an independent district, culminating in an exemplary self-determination model. Today Hayes Lewis serves as superintendent with a significant number of Indian teachers and other administrators.

The point I wish to impress upon you is that transfer for self-determination to be effective takes time, probably at least 5 years, especially with Federal parties involved.

I applaud the committee's initiative to hold these hearings in New Mexico, and am hopeful that after you hear directly from those testifying today you will provide the necessary scrutiny required for such a complicated transfer process.

I recognize we have much to do in New Mexico to work on the American Indian dropout rate, the highest per capita in the State, and the Indian student achievement rate, the lowest in the State.

As a State we are addressing these which you may hear more about today. Another significant change is the Indian leadership we now have at the State level. Representative Tom Atcitty from the Navajo Tribe serves as chair of the Legislative Education Study Committee, and recently I appointed Melvin Martinez, a Santa Clara Pueblo architect, to serve on the State Board of Education. I believe Mr. Atcitty and Mr. Martinez are the first American Indians to serve in such capacities. The State Board of Education also has an Indian Education Subcommittee, which is with us today, and the State Department of Education has Mrs. Rena Salazar coordinating Indian programs and issues, and she is also with us today.

As a State we are especially proud of the two BIA schools—the Santa Fe Indian School, a contract school, and Dzilth-Na-O-Dithhle, both of whom received the U.S. Department of Education School Recognition Awards.

Our State universities, with the assistance of tribal contract groups, and title IV and title VII moneys have graduated over 500 American Indian teachers, many of whom, however, have been unable to get teaching positions in their communities because of the BIA seniority system.

Again, while we have much to do in Indian education, we are proud of the progress we have made.

In closing, I stand ready to work with the BIA, your committee, Indian tribes, our State legislature and State board of education to achieve the best possible educational situation for our Indian youth. Thank you.

Senator BINGAMAN. Thank you very much. We appreciate that testimony.

Our next witness is Mr. Alan Morgan, who is the Superintendent of Public Instruction here in the State of New Mexico with the Department of Education. Alan, thank you for being here.

STATEMENT OF ALAN D. MORGAN, SUPERINTENDENT OF PUBLIC INSTRUCTION, NEW MEXICO STATE DEPARTMENT OF EDUCATION

Mr. MORGAN. Good morning, Senator, tribal officials, distinguished participants in this hearing today. My name, as Senator Bingaman said, is Alan Morgan. I'm the State School Superintendent And as I often try to do in beginning such statements, I'm proud to be a product, Senator, of New Mexico's public education system.

I am serving today in this capacity as a hearing presenter along with one of the key members of our department staff, Rena Oyengue-Salazar. Rena is not only a member of the San Juan Pueblo Tewa Tribe but she serves as our State Director of Indian Education for the Department of Education. We would like to say thanks for the opportunity to be able to be here today. I say that on behalf of not only our department staff but the people for whom we work on the State Board of Education, and I will introduce those folks in just a few moments. We frankly believe that you have invited us here, Senator Bingaman, to share with you some of our views about the critical issues affecting Indian education in the State of New Mexico.

With us today, and I would like to introduce several people very quickly; one is Mr. Rudy Castellano. Rudy is the director, or at least Chairman, rather, of the Indian Education Committee of the State Board of Education. To his left, as Mr. Mann introduced a moment ago, is Mr. Melvin Martinez, who is also a member of the Indian Education Committee of the State Board; and behind us we have several other members and I would like to introduce two other members of the Indian Education Committee; Mrs. Virginia Trujillo, from Albuquerque; and Mrs. Emmalou Rodriguez, also from Albuquerque; as well as Mrs. Millie Paone, who is a long-time member of the New Mexico State Board of Education.

The State Board is proud, Senator Bingaman, of its history of fostering a good working relationship with tribal governments and local school districts in this State. This relationship has proven invaluable over the years. And I notice a number of public school people participating in this hearing today as members of the audience. We think that that relationship has led to some successes. There's some things that still need to be done and we want to talk with you a few minutes this morning about that. As a result of the State Board of Education and the legislature's recognition, indeed the legislature in 1975 created something that was entirely State funded in our Department of Education called the Indian Education Division. We think that that division has been a valuable asset to the agency in proving what we do with and for Native American youth in this State. The legislature also created something called the State Indian Education Advisory Council. That council was charged by law with assisting and evaluating and coordinating all activities relating to the education of Indian students. The State Indian Education Advisory Council, composed of representatives of all major tribes in New Mexico, and has been an active and essential participant in this educational alliance.

In 1986 the State Board of Education, in recognition of the need to provide further delineation of the issues affecting Indian Education and to address those issues in a comprehensive and timely manner, established a State Board of Education Committee on Indian Education. I have introduced them to you today and they have been very active, I will assure you. Furthermore, the State Board of Education, when we gave a report as staff——

Senator BINGAMAN. Let me just interrupt to allow Senator Inouye to come forward and join the panel here, if I could.

Before you begin again, Mr. Morgan, let me just recognize Senator Inouye, as I'm sure everyone in this audience knows, Senator Inouye is a friend and colleague and particularly a friend of the American Indian community. He is the chairman of the Select Committee on Indian Affairs in the Senate and is the primary author of many pieces of legislation that affect the American Indians and I think has distinguished himself in many ways, of course as we all know, but I think as a friend of the American Indian community he is without equal in the U.S. Congress and I am honored to have him here in New Mexico, and we are honored to have him participate in this hearing.

Senator, Alan Morgan, who is the State Superintendent of Public Instruction, is testifying as to the State's perspective on the issue of Indian education and we can either have him go ahead—why don't we do that. Go right ahead, Alan.

Mr. MORGAN. Thank you, Senator Bingaman. Let me depart from my prepared text just for a second, if I might.

We are particularly pleased that Senator Inouye is here because from an education viewpoint Hawaii and New Mexico might share a lot more than what you think in terms of our State education systems. New Mexico is just next to Hawaii in terms of the support that the State provides for its public education system from the State level. We are right behind you in that regard. With respect to the system itself and the entry of children into the schools, this topic is particularly important today that we are dealing with because New Mexico and Hawaii share a unique status. The majority of the young people entering our respective State school systems represent what is often referred to as "minority children" across the rest of the United States. So the majority entering our schools are what the rest of the country refers to as minority children. I think we share some important needs and efforts in that regard.

Senator Bingaman, you did want me to start all over again—no, I am just kidding.

Senator BINGAMAN. You can pick up wherever you would like.

Mr. MORGAN. Thank you. I get the hint, Senator Bingaman.

In August 1986, the State Department of Education and New Mexico Highlands University jointly sponsored a Presidential Seminar on Indian Education during which tribal leaders, State Board of Education members, State Department of Education staff, local school district personnel, and university personnel participated in the development of a broad-based plan with specific recommendations to improve the quality of Indian education. As a result of this broad-based input, the State Board of Education, in August 1986, adopted a Statement of Policy Regarding Indian Education, which guides the future direction of Indian education in New Mexico.

The Second Annual Indian Education Forum was held on August 10 and 11, 1987, at New Mexico Highlands University. The purpose of the forum was threefold.

1. To provide New Mexico's four major tribal leaders the opportunity to share their plans regarding the future of Indian education for their respective tribes;

2. To provide Senator Bingaman an opportunity to present a congressional update on the Bureau of Indian Affairs Initiatives and to allow for participant reactions and recommendations; and

3. To share and highlight the successes of the two Indian schools that were recently recognized by the U.S. Department of Education as having exemplary programs. These two schools are the Santa Fe Indian School and Dzilth-Na-O-Dith-hle Community School. The New Mexico State Board of Education will officially recognize these two schools at its October 8 and 9, 1987, meeting in Santa Fe.

On August 21, 1987, the New Mexico State Board of Education took another pioneering and historical step. To our knowledge, no other State has recognized a native American language, in this case Navajo, as a part of its elementary and secondary curriculum and established a licensure policy which ensures that teachers of the language will be fully trained professional teachers. These language competencies support and promote the Navajo Tribes' Educational Policies and Goals regarding the provision of the Navajo language in the curriculum of the schools serving Navajo youth.

At the present time, we are gratified to report that tribal governments and local school districts have made substantial progress in developing local policy statements that will serve to address the particular needs of the students in each local community. As an example, I would direct your attention to the ongoing and dynamic working relationship between the Dulce Independent Schools and the Jicarilla/Apache Tribe. As a result of these combined efforts, a local school district management plan has been developed which incorporates tribal needs. This plan will be considered by the Board of Education of the Dulce Independent Schools and will, upon adoption, serve as the blueprint for addressing the guidelines set forth in the State Board of Education's Statement of Policy regarding Indian Education. We are also pleased to advise you that other States have made inquiries relative to utilizing the State Board of Education's Statement of Policy Regarding Indian Education as a model in their respective States.

We are proud to have taken a leadership role in implementing cooperative educational ventures with tribes. Such activities have included the following: for the past 4 years, the Navajo Division of Education has been assisting and working with the Accreditation Unit, Elementary/Secondary Unit, Vocational Education Unit, and the Indian Education Unit in monitoring all public school districts and private schools with Indian student enrollment for accreditation purpose. The Indian Education Division has worked jointly with the Jicarilla Apache Tribe, Isleta Pueblo, and other pueblo tribes to provide Parent Education Workshops. A Student Leadership Workshop was jointly sponsored by the Mescalero Apache Tribe and the Education Department in February 1987. The Indian Education Policy Statement received the full support and cooperation of all the four major tribes in New Mexico. The Navajo Tribal

Council adopted a resolution to support the passage of the Navajo Language Competencies. We must emphasize, however, that these activities represent efforts to attain our mutually articulated goals. We would be remiss if we failed to apprise you of those areas we have identified as being of serious concern.

In terms of student achievement, while we recognize the performance of Native American students in statewide testing programs has steadily improved in recent years, these test results indicate that there remains considerable need for improvement. For example, the performance of Native American students on the High School Proficiency Exam, which measures student acquisition of basic life skills, has consistently been below the statewide average for the 10-year history of this test. In 1987, while 87 percent of 11 New Mexico 10th grade students passed the proficiency exam, only 65 percent of Native American students achieved a passing score.

Native American students also scored lower than the general State population in norm-referenced achievement tests (CTBS/V) in grades 3, 5, and 8. However, it is encouraging to note that scores for Native American students have increased by approximately 10 percentile points over the past 10 years.

Another educational quality indicator, the high school dropout rate, reveals a specific area of concern for Native American students. While there has been a trend over recent years of reducing the number of Native American students who drop out, the Native American dropout rate (12.2 percent) still far exceeds the statewide rate for all students (7.4 percent).

We also continue to have serious concerns about the Department of the Interior's Budget Initiatives proposing to transfer the Bureau of Indian Affairs operated education programs to the tribes or to third-party contractors. Our concerns were presented to the Elementary, Secondary, and Vocational Education Subcommittee of the Committee on Education and Labor of the United States House of Representatives on March 6, 1987. The 1987 New Mexico Legislature, in recognition of the magnitude of the issues involved in the Interior Department Initiatives, adopted House Joint Memorial 8, (HJM 8), "Requesting the State Board of Education not to continue further dialogue with the United States Department of the Interior on the issue of the transfer of the Bureau of Indian Affairs Schools until the Indian tribes have been contacted directly and until a comprehensive analysis of financial, legal and programmatic responsibilities has been conducted."

The State Board of Education and the State Department of Education are fully supportive of HJM 8. We believe that the Initiatives were premature and that the Bureau of Indian Affairs must conduct and make available a comprehensive and current analysis of its present educational program before final decisions are made.

We wish to emphasize that there may be positive aspects of the Initiatives. In particular, tribal governments have undertaken efforts to analyze and discuss the education systems that serve their student populations. We would also note that, if the intent of the Initiatives is to effectuate the Indian Self-Determination and Education Assistance Act, we are fully supportive of the determinations made by tribal governments in that regard. We feel, however,

that any such positive aspects of the Initiatives have been clouded by the manner in which the proposal has been communicated.

This morning we have endeavored to present several serious educational issues before us in a positive and constructive light. To this end, we offer the following recommendations which we believe will result in the enhanced delivery of quality education programs to Indian students:

1. The New Mexico Indian Educational Policy Statement should be used as a national model to promote effective Federal/State/tribal cooperatives in order to develop comprehensive educational plans to improve Indian education.

2. The Federal Government must recognize and expand its obligations to all Indian students by allocating more funding for title IV Indian Education Programs in public schools.

3. The Bureau of Indian Affairs must develop a comprehensive study of all its educational programs for the purpose of identifying and replicating its successful programs, i.e., Santa Fe Indian School and Dzilth-Na-O-Dith-hle Community School.

4. The Department of Interior should establish a long-range plan for implementing major changes in BIA education. Such planning must provide for maximum participation by all entities involved prior to implementation.

And, frankly, Senator Bingaman, you included the statement in your presentation at Highlands University that seems to me to reflect the fact that Congress intended 10 years ago when it adopted Public Law 95–561, and that was signed into law, that it was Congress' intent that long-range planning be provided within the Department of Interior and the Bureau of Indian Affairs so that we would see where we are today with programs for Indian children with a long-range plan for where we should be tomorrow.

5. Congress should assess the Department of Interior's Initiatives against a single standard-quality education for Indian students.

6. The BIA should move forward in implementing needed educational reform, particularly in developing innovative programs to meet the needs of today's Indian students.

The State of New Mexico intends to honor its commitment to its Indian population. The New Mexico Legislature has reaffirmed that New Mexico has been recognized as taking an active role in supporting Indian education and has a history of working cooperatively with tribal governments. The State Board of Education emphasizes that it intends to maintain and enhance the positive and dynamic educational relationship established with tribal governments and local school districts in New Mexico. We must reiterate, however, that this commitment should in no way be viewed as condoning the diminution or abdication of the Federal Government's obligations to Indian students.

Quality education for Indian children will be achieved only as a result of a vigorous and constructive educational relationship amongst the Federal Government, the State, tribal governments, and local school districts. We urge Congress to ensure that the Federal Government maintain an active and productive role in this relationship and that the commitments of the Federal Government to Indian students be addressed with renewed vigor and optimism.

Senators Inouye and Bingaman, we thank you for the opportunity to be able to appear before you today and we stand ready at the appropriate time to answer any questions that you may have. Thank you again.

[The appendixes to Mr. Morgan's statement follow:]

APPENDIX A

STATE DEPARTMENT OF EDUCATION
OFFICE OF INDIAN EDUCATION

SBE Policy No. 86-A

Approved by the
State Board of Education
August 22, 1986

STATEMENT OF POLICY REGARDING INDIAN EDUCATION

I. AUTHORITY:

This statement of policy is promulgated pursuant to sections 22-2-2 and 22-2-11 through 22-2-13, New Mexico Statutes Annotated 1978.

II. MISSION STATEMENT:

The purpose of this policy is to address compelling, unmet educational needs of all Indian students. The State Board of Education and the Indian Education Advisory Council recognize that achievement test scores, absenteeism and dropout rates are indicators reflecting the critical need for improvement in the education of all Indian students. This policy mandates meaningful and quality education for all Indian students and establishes the process for ensuring that aspirations and expectations of Indian parents for educational excellence are attained by their students.

III. STATEMENT OF POLICY:

The State Board of Education hereby reaffirms its commitment to Indian Education by setting forth these policies:

A. Educational Standards for New Mexico Schools require local school districts to identify the educational needs of all Indian students and to develop programs in coordination with parents and tribal governments.

B. School districts shall evaluate the mastery of student competencies of all Indian students in accordance with Educational Standards for New Mexico Schools.

C. Educational Standards for New Mexico Schools require local districts to include content and concepts from Indian cultures into their written and delivered curriculum.

D. Educational Standards for New Mexico Schools require close coordination between school districts, tribal governments, parents and community to ensure that the educational needs of all Indian students are met.

E. The State Board of Education, the Indian Education Advisory Council, and the State Superintendent of Public Instruction shall take a leadership role in meeting the elementary, secondary, vocational, post-secondary and special education needs of all Indian students.

IV. IMPLEMENTATION:

The Indian Education Office shall monitor and offer assistance in the implementation of the Indian Education Policy Statement in cooperation with the local boards of education. Local boards of education will submit a written management plan as required in Educational Standards A.1.2.1(g) and to also include Educational Standards requirements of A, B, C and D above.

APPENDIX B

HOUSE JOINT MEMORIAL 8

38TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1987

REQUESTING THE STATE BOARD OF EDUCATION NOT TO CONTINUE FURTHER DIALOGUE WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR ON THE ISSUE OF THE TRANSFER OF THE BUREAU OF INDIAN AFFAIRS SCHOOLS UNTIL THE INDIAN TRIBES HAVE BEEN CONTACTED DIRECTLY AND UNTIL A COMPREHENSIVE ANALYSIS OF FINANCIAL, LEGAL AND PROGRAMMATIC RESPONSIBILITIES HAS BEEN CONDUCTED.

WHEREAS, the federal bureau of Indian affairs (BIA) 1988 budget initiatives propose to transfer Arizona, New Mexico and South Dakota BIA schools to the respective state public school systems or to tribal governments; and

WHEREAS, the United States department of the interior's established procedure for handling matters pertaining to Indians, especially regarding consultation with Indian tribes has not been observed; and

WHEREAS, the United States department of the interior has not consulted with Indian tribes, with parents and the communities served or with the state boards of education and state departments of education of the states involved; and

WHEREAS, such a proposed transfer has extensive financial, legal, operational and programmatic implications for the Indian tribes and the states affected; and

WHEREAS, the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache Tribes and the New Mexico office of Indian affairs sup- port the concept of a study that identifies issues dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

WHEREAS, New Mexico has long been recognized as taking an active role in supporting Indian education and has a long history of working cooperatively with tribal councils; and

WHEREAS, in order to ensure quality education for Indian children, it is imperative that the Indian tribes and the states have the opportunity to study and make recommendations regarding the 1988 BIA budget initiatives;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state board of education cease to continue further dialogue with the United States department of the interior on the issue of the transfer of bureau of Indian affairs schools until the BIA follows its own procedures in dealing with Indians and until a comprehensive analysis of financial, legal and programmatic responsibilities has been conducted; and

BE IT FURTHER RESOLVED that the representatives of the Navajo nation, the all Indian pueblo council, the Mescalero Apache and Jicarilla Apache Tribes and the New Mexico office of Indian affairs, the state board of education, local school boards and contract school members the legislative education study committee, parents and community representatives and other interested individuals be involved with a study which includes a comprehensive analysis; and

BE IT FURTHER RESOLVED that this comprehensive analysis provide data and recommendations for dealing with contractual responsibilities, transfer of properties and facilities, the transportation of Indian children and other financial, legal, operational or programmatic entities; and

BE IT FURTHER RESOLVED that the state board of education report periodically to the legislative education study committee regarding its progress and provide any appropriate recommendations to the legislative education study committee by August 1, 1987; and

BE IT FURTHER RESOLVED, that copies of this memorial be sent to the superintendent of public instruction for distribution to the state board of education; to the director of the legislative education study committee for distribution to the committee; to the United States bureau of Indian affairs, and to the New Mexico office of Indian affairs for appropriate distribution.

NAVAJO LANGUAGE TEACHING COMPETENCIES

APPENDIX C

Adopted By the
State Board of Education
August 21, 1987

Introductory Statement:

The language and instructional proficiencies listed below constitute the preparation necessary to be an effective teacher of the Navajo Language. Because Navajo language exists in the context of Navajo culture, a basic knowledge of this culture and its history is also valuable preparation for a Navajo language teacher.

1. The teacher must demonstrate oral proficiency in the Navajo language. This oral proficiency can be demonstrated by the following competencies:

   a. adequate control of pronunciation and grammar.
   b. have an ability to exercise vocabulary appropriate to a broad range of functions, topics, and genres of speech.
   c. able to be a competent participant in ordinary social situations in which Navajo is spoken.

2. The teacher must demonstrate competency in reading and writing skills in the Navajo language. These literary competencies include the following:

   a. respond adequately to written material by exercising the processes of comparing, contrasting, categorizing, summarizing, inferring, analyzing, synthesizing, hypothesizing and evaluating.
   b. read with understanding and appreciation the full range of written material extant in Navajo.
   c. write sentences with standard spelling, grammar, punctuation, and mechanics.
   d. write paragraphs and essays which express original thought, communicate complete and well-organized ideas, and accomplish a full set of written functions.
   e. can pass a Navajo Language Oral and Written exam.

3. The teacher must demonstrate knowledge of the formal grammar of the Navajo language. This knowledge includes the following domains:

   a. label all parts of speech correctly.
   b. properly identify all syntactic and morphological constructions.
   c. correctly place verb morphemes into all possible verb chart positions.
   d. express a clear understanding of grammatical concepts of aspect, mode, tense, verb theme categories, and verb derivation.
   e. show a working knowledge of the basic rules of allophonic variation in Navajo.

4. Navajo language teachers will need to demonstrate competency in teaching Navajo language both to students who do not speak Navajo and to those who do speak Navajo. The different instructional methodologies for teaching Navajo both as a first language and as a second language will need to be acquired and demonstrated. These instructional competencies include the following:

   a. use established techniques for the teaching of reading including the phonics approach, various language experience methods, the use of media and audio visual materials, and inquiry/discovery strategies based upon the"literacy as power" concept.
   b. motivate students by teaching them to appreciate the value of mastering the Navajo language.
   c. identify and work with community resources such as articulate native speakers and natural language settings.
   d. evaluate students for appropriate placement.
   e. recognize and discuss the structual, stylistic and conceptual factors in good Navajo writing and public speaking for all major genres and functions.
   f. employ effective techniques for the teaching of analytical grammar to students.
   g. create a comfortable language learning atmosphere.
   h. keep up to date with the best methods of second language teaching and learning.

APPENDIX D

NEW MEXICO STATE BOARD OF EDUCATION INDIAN EDUCATION COMMITTEE

Rudy Castellano, Chairman
215 Alamo
Las Vegas, N.M. 87701
505/425-8581

Melvin Martinez
P.O. Box 904
Espanola, N.M. 87532
505/753-7029

Emmalou Rodriguez
3715 Smith SE
Albuquerque, N.M. 87108
505/765-8519

J. James Sanchez
Box 67
Lincoln, N.M. 88338
505/622-6250, ext.376

Virginia M. Trujillo
2624 Veranda Road NW
Albuquerque, N.M. 87107
505/884-4983

NEW MEXICO INDIAN EDUCATION ADVISORY COUNCIL

JoAnn Ragonese, Chairperson
New Mexico Institute of Mining and Technology
P. O. Box 25704
Socorro, N.M. 87801
505/835-5846

Eddie Biakeddy
Navajo Division of Education
P.O. Box 308
Window Rock, AZ 86515
602/871-4941

Upton Ethelbah
Santa Fe Indian School
P.O. Box 5335
Santa Fe, N.M. 87501
505/988-6476

Virginia Klinekole
Tularosa Schools
P.O. Box 427
Tularosa, N.M. 88352
505/585-2782

Wilfred Billey
Central Consolidated Schools
P.O. Box 1179
Shiprock, N.M. 87420
505/368-5175

Loretta Vicenti
Jicarilla Apache Tribal Education Department
P.O. Box 507
Dulce, N.M. 87528
505/759-3613

Victoria Sorrell
Indian Education Programs
Albuquerque Public Schools
P.O. Box 25704
Albuquerque, N.M. 87125
505/842-3662

Senator BINGAMAN. Thank you very much. Let me ask just a couple of questions. Either, as I understand it, the two of you were to testify for the whole panel, and the others are here to answer questions if needed; is that correct?

Mr. MORGAN. Mr. Chairman, that was my understanding as well.

Senator BINGAMAN. OK. That is fine. Let me ask a couple of questions of either of you, or anybody who would like to respond.

It is clear, I think, to anybody who looks at this situation for even a few minutes that because of the split jurisdiction for providing education to Indian children, split between the tribes, and the State government, and the Federal Government, and in some cases contract schools, mission schools; because of that split jurisdiction there is a tremendous need for ongoing cooperative efforts. Do we have in place a mechanism for that kind of ongoing interaction between the State and the BIA on the issue of how we can improve the quality of education of Indian children?

Mr. MORGAN. Senator Bingaman, I would respond by saying I don't think we have an effective mechanism in place to really ensure that the communication I hear for implying that should be there be there. Indeed it is not. I also in fairmess have to say there's been an improvment in recent years in that respect but it is simply not there, is the bottom line. And let me make one quick point about that. Part of the problem I think that exists with respect to the education of Native American children is a lack of—or at least a historical lack of commitment. Commitment on the part of those of us in the public schools; commitment on the part of the lack of tribal officials, parents and maybe Indian students themselves. And that becomes a problem because we have found in New Mexico that students will not stay necessarily for any length of time in the same school. They may be in a contract school for a few weeks or months; they may be then in the public schools for a few weeks or months; and unless that is a system as to track the education of that child, much like we do with migrant children—supported by the Federal Government I might add—in other areas of the State, without that system the child I think gets lost in the process and we simply don't have the communication that you referred to.

Senator BINGAMAN. I was in Bloomfield yesterday and one of the—had a town meeting there and some of the comments that were made I thought were interesting. There was someone there from the Bloomfield schools who said that—I believe the figure that was cited was that 37 percent of the students that they have in their school system each year are new, in that they have that kind of turn over in and out of that school system, much of it—the implication was that much of it was a result of the fact, as you say, that students come into the public schools, go to the BIA schools, go to a contract school; they are moving from school to school and there's no very good system for keeping track of them or seeing to it that their needs are not met so that we can avoid them dropping out at some fairly early stage. I just wonder, what do we need to do to set up that mechanism so that those students are not just going from one jurisdiction, one group's jurisdiction to another group's jurisdiction and nobody is maintaining a long-term concern about how they wind up?

Mr. MORGAN. Senator Bingaman, one response again I think that we have a good track record on, at least in New Mexico and I think in other States with Federal support has been what we call the "Migrant Student's Record Transfer System." It is a good long Federal bureaucratic name for it. But basically what it is is when a child moves from area to area there is a central system to be able to look at where that student's educational records exists, and how we can keep track of—by objective, each instructional objective—where that student is. I also know what that can look like. It can look like big brother is always watching over your shoulder, and we have far too much information on every citizen, but I think by and large if we really are concerned about these children, who have a right to be served in a variety of educational institutions, that we track that child with the intent being as soon as that child moves from your school to mine, that we can immediately access where that student is academically and try to pick up the ball from there and work with that individual child. That does not occur in my opinion today.

Senator BINGAMAN. If we were to have such a system of keeping track of the student and keeping track of their progress so that that information could follow the students as they moved, who should be responsible for keeping that? Should it be the State, or should it be the BIA, or should it be the tribes, or who?

Mr. MORGAN. Good question. Senator Bingaman, I think it probably would have to parallel much like it is presently operated with migrant students where you end up with a partnership there. You have some Federal Government responsibility, which could be invested through the BIA or through the tribal leadership, and through the public schools so that there is indeed—wherever the student is, has a responsibility. That institution has a responsibility to enter that data into the system. And it is an open system so that if a child moves to another institution the same records can be accessed by computer to be able to get a feel for where that student is academically. Again I understand that is only one mechanism that needs to be undertaken in addition to some of the other things that we have talked about; more parent concern, more tribal concern and more public school concern, I think, to improve that educational quality.

Senator BINGAMAN. Marlis, do you have any thoughts on this?

Ms. MANN. I have some thoughts. I have spent quite a bit of time working with the reservation schools through my job at UNM. I was involved with a lot of our teacher education programs where we educated American Indian teachers, and I think we need some help from the Federal level. We all know that tribal regulations are tough, State's worse, but the Federal ones are the absolute ones you can't bend, and if you could do something in legislation that would require the BIA system schools to cooperate or work with us, I think we are here and we are ready to do that. And it goes back to a point in the Governor's testimony about the American Indian teachers that we have, when going back to the communities or they got their degrees or college degrees within the community, they weren't able to get a teaching position because of the reduction in force types of things that went on in the BIA schools, and the teacher, or American Indian teacher who was hired was the

first one to be laid off. It is a long-term situation and until we get our role model mentor teachers into those classrooms we are not going to change very much the BIA education situation; and, so, I think we need some help from you with the Federal regulations; because we are doing some things at the State level but we can't change those laws.

Senator BINGAMAN. Thank you. Let me ask one other question. Chairman MacDonald, I believe, cited the statistic that the base salary for teachers in the BIA is 25 percent below the base salary for teachers in the public school systems in New Mexico and Arizona. That is how I understood him. And in Utah. Is that consistent with your understanding?

Ms. MANN. Yes, I believe so.

Mr. MORGAN. Senator Bingaman, I cannot tell you that exactly. I can tell you that in New Mexico in recent years the public school salary has increased some for 1986–87 to the point where on a national kind of ranking New Mexico is about 30th, 29th in the United States. A fairly competitive average class in salary of around $24,000 a year for a 9 month contract. Now that is the average salary. The beginning salary is about—close to $18,000 a year.

Senator BINGAMAN. OK. So you really don't know how that compares with the BIA salary range?

Mr. MORGAN. The 25 percent figure that——

Senator BINGAMAN. Marlis, are you familiar with that?

Ms. MANN. I am not familiar with it at this point, but, again, the point I keep laboring on is that there is a lot of seniority within the BIA schools so maybe there's a huge situation where our younger Indian teachers are coming in at are maybe very low paid.

Senator BINGAMAN. OK. It seems like if this coordination that we all are advocating between the State and the BIA and the tribes existed we would have a better knowledge and awareness of the salary levels across the boards.

Mr. CASTELLANO. Senator Bingaman, I would just like to make a comment concerning that because, one of the things as a State Board member, and you know we were talking about trying to understand the Indian situation. A lot of times we as policymakers are not aware of what we are dealing with, and, you know, again the communication that Mr. Morgan was referring to is so important. We need to get down into the level and have communication with people that are involved at these different levels and an understanding of what we are dealing with in order to be able to make any kind of policy regarding Indian students or any other kind of students. And a lot of times what happens is that we are functioning under an awareness that is really not quite true. You know, we don't investigate or delve far enough into the picture to really be able to make good decisions, and I think that hearings such as these, what is going on now is important. It has to be, you have to contact the grassroots people; have their interests at heart, and listen to what they are saying, and I think that we as a State Board in forming this Indian policy or Indian Education Committee had this in mind.

We knew there was a problem yet a lot of us did not know too much about what was happening on Indian schools, what a BIA school was, what the regulations were. And as we are finding out I

think we are able to make better and more qualified policies regarding Indian education and hopefully we can understand the ideology or causes of, we know what creates these problems. Because a lot of times, you know, until you have ridden on a road that is 60 miles one way and you see the ruts in the mud and all the things that people have to put up with, then you start to understand why they don't buy into the schools. And I think that as—you know, not only do we have to add money to the situation, but we have to also see that quality and humanistic understanding of the nature of the problems are taken into consideration, because, again, if people are moving from school to school we need to look at how can we improve that school setting so that people appreciate the school and don't have to move, so that they can buy into it as being their school, not the government's school or somebody else's school but their school. And I think this is—we as a State Board want to really look into how we can make the schools for everybody, not only Indian students but everybody else, a part of their community, their school, not somebody else's. Thank you.

Senator BINGAMAN. Thank you very much. Senator Inouye.

Senator INOUYE. I would like to first congratulate the students, the parents, and the teachers of Santa Fe Indian School for the national recognition as one of the finest institutions in this land.

I wanted to be here this morning, however, as some of you are aware, I spent this morning with the Cochiti Pueblo to look into their dam problem. [Laughter.]

I'm happy to report to you that a resolution will be soon forthcoming.

I was pleased to have stepped in to hear Mr. Morgan make a very enlightened statement. He reported that the Legislature of New Mexico, together with the Department of Education of the State of New Mexico, had indicated very clearly that before they proceed in working with the Bureau of Indian Affairs they wanted an input from the Indian tribes and nations of this area. This is a very significant step because throughout these 200 years in our dealings with Indian nations most of the solutions to so-called Indian problems have been made in Washington. And I think history will now tell us that these solutions which were made in Washington have for the most part failed, and, so, we look upon you for solutions.

Mr. Chairman, I have no questions but I just want to commend you and the State of New Mexico for this very enlightened approach to Indian education.

Senator BINGAMAN. Well, thank you very much. I appreciate that. I really have no additional questions of this panel. I appreciate you all being here, and appreciate your very frank testimony, and I hope that we can continue to work together with you to find some solutions to the problems. Yes. OK. Mr. Martinez.

Mr. MARTINEZ. Good morning, Senator Bingaman.

Senator BINGAMAN. Good morning. I appreciate you being here and please make any statement you would like.

STATEMENT OF MELVIN H. MARTINEZ, CHAIRMAN, NORTHERN PUEBLOS AGENCY SCHOOL BOARD

Mr. MARTINEZ. OK. The statement I want to make is to clarify the State relationship with the Bureau of Indian Affairs. I do sit as a member of the New Mexico State Board of Education but I want to make my comments as the School Board Chairman for the Northern Pueblos Agency.

Over the past several years we have had a very good relationship with the State of New Mexico, with its Department of Education. Our schools are all State certified, and in fact North Central is accredited. Our teachers are certified through the State, and that is one of our recommendations.

We have a very high percentage of our kids within our test scores where we are doing either at grade level or at one grade above with our system, and that is because of the communication that we have with the State government.

We have followed the curriculum that was developed by the State and have implemented that same curriculum, or have improved that curriculum within our school system.

I would like to recommend to you, Senator Bingaman, that the Northern Pueblos Agency schools be used as a model program, to be used within and of your schools so that we can establish and demonstrate that we can work and we are working; and I would like to thank you, Senator Bingaman.

[The prepared statement of Mr. Martinez, together with attachments, follows:]

PREPARED STATEMENT OF MELVIN H. MARTINEZ

TESTIMONY TO OPPOSE THE TRANSFER OF
BIA SCHOOLS TO THE STATE OF NEW MEXICO

Honorable Jeff Bingaman, United States Senator, my name is Melvin H. Martinez, Chairman for both the Santa Clara School Board, Northern Pueblos Agency School Board and a board member to the New Mexico State Board of Education.

On behalf of both the Santa Clara School Board and the Northern Pueblos Agency School Board, we hereby oppose Assistant Secretary of Interior, Mr. Ross Swimmer's proposal of transfering BIA funded schools over to either the Tribal Government or the State Government. Further, we oppose the $850.00 tuition fee that would be required by our Indian students to attend any BIA operated Vocational Schools or Colleges.

From the start of this proposal as initiated, Mr. Swimmer never consulted our Tribal leaders, School Boards, and State Government. Further, Mr. Swimmer made a statement that Public Schools are far better than BIA Schools. I resent this statement, it is untrue, false and we hope that you, Senator Bingaman, would set Mr. Swimmer in the right direction by presenting him with State Wide Achievement Testing Program Results for 1986-1987 school year.(See attachment No. 1) Also enclosed is the test results for Santa Clara Day School, which was taken in April of 1987. (See attachment No. 2).

As you can see by these CTBS test scores, Native Americans aren't any where near as to Mr. Swimmer's statement. For percent of New Mexico students passing the high school proficiency Exam in 1987 compared to the 1977 Exam, (see attachment No. 3).

It appears that Mr. Swimmer has given up hope on educating our Indian children, therefore, we need someone with more intelligence, common sense and dedication to our children's educational needs. It seems that Mr. Swimmer was in a daze when he dreamed of such an ridiculous idea, thereby we are making a formal request that Mr. Swimmer be replaced immediately so that further embarrassment wouldn't be encountered by the Department of Interior.

In conclusion, on behalf of the Santa Clara School Board, we strongly request your support, Honorable Bingaman, U.S. Senator, to oppose this so called " SWIMMER'S INITIATIVE ".

ATTACHMENT NO. 1

PRESS RELEASE
STATEWIDE ACHIEVEMENT TESTING PROGRAM
GRADES 3, 5, and 8
RESULTS 1986 - 87

Results of the New Mexico Statewide Achievement Testing Program conducted during the spring of this year show that all of the achievement test scores, with one exception (spelling grade 3 - 49th percentile) are above the national average, which is the 50th percentile.

The Comprehensive Test of Basic Skills (CTBS) is administered to New Mexico public school students in Grades 3, 5, and 8. In March of 1987, more than 59,000 students were tested. The CTBS is designed to measure achievement in the academic basic skill areas of reading, spelling, language arts, mathematics, reference skills, science and social studies.

In most cases (see attachment), statewide CTBS scores have remained unchanged compared to last year's results. Where changes have occurred, these have resulted in only a 1 or 2 percentile difference.

Total battery scores for the major ethnic populations within the state have also remained generally unchanged (see table below) since last year with one exception; the scores for Native American students in grade 3 increased by 4 percentiles over last year.

TOTAL BATTERY CTBS SCORES

	Anglo	Hispanic	Native American
Grade 3			
1987	74	52	39
1986	73	53	35
Grade 5			
1987	74	51	37
1987	74	51	36
Grade 8			
1987	73	50	35
1986	72	50	35

6/16/87

1987 NEW MEXICO STATE TESTING PROGRAM
GRADE 03 STATEWIDE SUMMARY REPORTS

DISTRICT: NEW MEXICO ST

CATEGORY	N	WORD ATTK	READ VOCAB	READ COMP	TOT READ	SPEL	LANG MECH	LANG EXPR	TOT LANG	MATH COMP	MATH C & A	TOT MATH	TOT BATT	REF SKI	SCIENCE	SOCIAL STUDIES
ALL CASES	20862	56	52	55	54	49	67	60	63	67	60	64	60		[redacted]	[redacted]
ETHNICITY																
ANGLO	8,933	64	66	68	67	58	76	73	74	75	75	75	74			[redacted]
HISPANIC	8,660	51	44	46	46	41	60	48	54	61	48	54	52		51	52
NATIVE AMER	1,751	40	29	33	33	37	46	26	35	50	39	43	39		34	37
BLACK	494	48	41	43	44	49	59	46	53	54	46	49	49		46	49
ASIAN AMER	145	63	59	61	60	68	78	66	72	79	75	79	70		65	73
OTHER ETHNIC	152	59	53	55	55	53	72	67	68	73	68	71	64		62	63
LANGUAGE																
ENGLISH	16863	59	58	59	59	51	71	64	66	69	64	67	64		65	67
SPANISH	2,378	44	34	37	38	36	52	36	45	58	40	47	45		41	41
INDIAN	694	34	23	26	26	33	38	20	27	42	32	37	31		26	28
OTHER LANG	90	50	32	41	38	45	61	41	51	79	60	72	52		43	51
BILINGUAL																
NO BILNG PROG	13368	59	58	59	59	53	70	65	66	69	64	67	64		65	67
BILNG 1ST YR	765	46	39	44	44	36	57	44	51	58	49	53	49		49	50
BILNG 2ND YR	993	44	36	40	39	35	59	39	49	58	48	53	47		48	49
BILNG 3RD YR	2,695	50	43	44	45	42	64	47	55	63	49	56	52		54	52
BILNG PREV	912	43	36	41	40	35	55	36	46	60	44	50	46		43	46

1987 NEW MEXICO STATE TESTING PROGRAM
GRADE 05 STATEWIDE SUMMARY REPORTS

DISTRICT: NEW MEXICO ST

CATEGORY	N	WORD ATTK	READ VOCAB	READ COMP	TOT READ	SPEL	LANG MECH	LANG EXPR	TOT LANG	MATH COMP	MATH C & A	TOT MATH	TOT BATT	REF SKI	SCIENCE	SOCIAL STUDIES
ALL CASES	19139		56	58	57	54	62	58	61	67	57	63	59	64		57
ETHNICITY																
ANGLO	8,051		75	71	74	61	73	69	75	74	68	74	74	75		72
HISPANIC	8,011		46	50	49	49	55	50	53	63	51	58	51	52	51	49
NATIVE AMER	1,828		30	35	34	46	45	34	40	55	39	47	37	40	38	37
BLACK	418		48	50	49	54	53	49	51	63	48	56	51	54	51	49
ASIAN AMER	125		65	68	68	76	84	65	79	93	79	89	75	79	77	70
OTHER ETHNIC	213		61	67	65	57	68	60	67	74	63	71	67	68	66	63
LANGUAGE																
ENGLISH	15196		62	64	63	57	66	62	66	70	60	68	65	68	65	63
SPANISH	2,603		36	41	40	41	49	42	46	63	44	51	43	44	42	40
INDIAN	736		22	26	26	37	39	25	32	50	29	41	29	34	28	29
OTHER LANG	103		52	60	56	69	75	58	68	88	65	80	64	68	62	61
RESIDENCY																
THIS DISTRICT	11067		54	56	55	53	60	55	58	65	53	59	56	61	58	55
DIFF DISTRICT	1,039		52	54	52	51	58	52	56	63	52	58	54	56	56	52
DIFF STATE	1,083		59	60	59	54	63	58	62	69	58	63	60	65	63	58
BILINGUAL																
NO BILNG PROG	12970		61	63	63	58	66	62	66	70	59	68	64	67	65	63
BILNG 1ST YR	566		42	44	43	44	50	43	47	59	45	51	45	44	44	43
BILNG 2ND YR	739		45	48	46	47	56	48	52	63	52	58	50	51	51	46
BILNG 3RD YR	2,395		45	48	46	46	51	49	50	61	49	56	49	51	49	46
BILNG PREV	1,475		45	48	46	48	55	48	51	63	50	58	49	50	50	46

1987 NEW MEXICO STATE TESTING PROGRAM
GRADE 08 STATEWIDE SUMMARY REPORTS

DISTRICT: NEW MEXICO ST

CATEGORY	N	WORD ATTK	READ VOCAB	READ COMP	TOT READ	SPEL	LANG MECH	LANG EXPR	TOT LANG	MATH COMP	MATH C & A	TOT MATH	TOT BATT	REF SKI	SCIENCE	SOCIAL STUDIES
ALL CASES	19186		53	57	55	57	64	64	64	64	58	61	57	62	[illegible]	63
ETHNICITY																
ANGLO	7,358		72	69	71	66	76	80	78	75	72	71	73	75	[illegible]	77
HISPANIC	8,273		41	50	47	53	57	58	56	58	51	55	50	47	[illegible]	53
NATIVE AMER	1,865		24	34	31	45	47	37	42	51	38	41	35	33	[illegible]	44
BLACK	401		42	46	45	57	50	53	50	58	46	50	46	43	47	50
ASIAN AMER	168		64	62	64	70	78	76	76	90	77	82	70	74	73	75
OTHER ETHNIC	496		58	58	58	59	67	64	65	64	63	65	60	65	62	66
LANGUAGE																
ENGLISH	15698		58	60	60	62	68	67	66	64	61	65	62	67	62	68
SPANISH	2,220		27	38	33	43	46	44	45	55	39	44	39	32	37	41
INDIAN	529		17	22	22	35	38	27	34	48	28	34	28	28	30	33
OTHER LANG	122		39	46	44	62	65	60	62	85	68	71	54	57	57	61
RESIDENCY																
THIS DISTRICT	14885		53	56	55	57	64	64	63	64	58	61	57	62	59	63
DIFF DISTRICT	1,637		50	54	52	55	62	61	60	61	54	57	54	55	56	62
DIFF STATE	1,956		61	62	63	63	70	69	69	66	68	67	64	70	66	70
BILINGUAL																
NO BILNG PROG	14184		55	57	58	60	66	66	65	64	60	63	60	65	60	66
BILNG 1ST YR	512		39	46	44	48	52	54	51	55	46	50	46	45	48	52
BILNG 2ND YR	294		39	50	45	49	57	54	54	58	52	55	48	46	50	52
BILNG 3RD YR	307		37	46	43	56	59	58	57	61	51	55	48	48	47	53
BILNG PREV	2,331		46	54	52	56	62	61	61	61	54	57	54	57	56	61

ATTACHMENT NO. 2

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
NORTHERN PUEBLOS AGENCY
SANTA CLARA DAY SCHOOL
P.O. BOX HHH
ESPANOLA, NEW MEXICO 87532

September 2, 1987

Mr. Melvin H. Martinez, Chairman
Santa Clara School Board
P.O. Box 904
Espanola, New Mexico 87532

Dear Chairman Martinez,

Enclosed you will find the information that you requested concerning the test scores for Santa Clara Day School. The tests that I am reviewing is the most recent tests which was taken in April of 1987.

FIRST GRADE

READING	LANGUAGE	MATH
Grade Equivalent 1.7	Grade Equivalent 1.8	Grade Equivalent 1.9
Normal Curve Equivalent 46	Normal Curve Equivalent 52	Normal Curve Equivalent 54
National Percentile 43	National Percentile 54	National Percentile 59

SECOND GRADE

READING
Grade Equivalent 2.5
Normal Curve Equivalent 44
National Percentile 38

SPELLING
Grade Equivalent 2.5
Normal Curve Equivalent 43
National Percentile 39

LANGUAGE
Grade Equivalent 2.6
Normal Curve Equivalent 46
National Percentile 44

MATH
Grade Equivalent 3.3
Normal Curve Equivalent 62
National Percentile 70

TOTAL BATTERY
Grade Equivalent 2.7
Normal Curve Equivalent 47
National Percentile 47

SCIENCE
Grade Equivalent 2.9
Normal Curve Equivalent 50
National Percentile 52

SOCIAL STUDIES
Grade Equivalent 3.0
Normal Curve Equivalent 52
National Percentile 55

THIRD GRADE

READING
Grade Equivalent 4.3
Normal Curve Equivalent 57
National Percentile 64

LANGUAGE
Grade Equivalent 4.0
Normal Curve Equivalent 53
National Percentile 60

MATH
Grade Equivalent 4.2
Normal Curve Equivalent 57
National Percentile 67

TOTAL BATTERY
Grade Equivalent 4.2
Normal Curve Equivalent 58
National Percentile 65

SCIENCE
Grade Equivalent 4.5
Normal Curve Equivalent 59
National Percentile 67

SOCIAL STUDIES
Grade Equivalent 4.5
Normal Curve Equivalent 59
National Percentile 75

FOURTH GRADE

READING
Grade Equivalent 4.1
Normal Curve Equivalent 40
National Percentile 35

SPELLING
Grade Equivalent 4.5
Normal Curve Equivalent 44
National Percentile 40

LANGUAGE
Grade Equivalent 5.0
Normal Curve Equivalent 50
National Percentile 56

MATH
Grade Equivalent 4.6
Normal Curve Equivalent 44
National Percentile 45

TOTAL BATTERY
Grade Equivalent 4.5
Normal Curve Equivalent 43
National Percentile 42

REFERENCE SKILLS
Grade Equivalent 4.5
Normal Curve Equivalent 43
National Percentile 42

SCIENCE
Grade Equivalent 4.9
Normal Curve Equivalent 49
National Percentile 52

SOCIAL STUDIES
Grade Equivalent 4.9
Normal Curve Equivalent 49
National Percentile 53

FIFTH GRADE

READING
Grade Equivalent 5.5
Normal Curve Equivalent 46
National Percentile 45

SPELLING
Grade Equivalent 5.3
Normal Curve Equivalent 45
National Percentile 43

MATH
Grade Equivalent 5.7
Normal Curve Equivalent 48
National Percentile 49

TOTAL BATTERY
Grade Equivalent 5.4
Normal Curve Equivalent 45
National Percentile 45

REFERENCE SKILLS
Grade Equivalent 5.0
Normal Curve Equivalent 41
National Percentile 35

SCIENCE
Grade Equivalent 5.5
Normal Curve Equivalent 46
National Percentile 46

FIFTH GRADE CON'T

SOCIAL STUDIES
Grade Equivalent 5.0
Normal Curve Equivalent 43
National Percentile 37

SIXTH GRADE

READING
Grade Equivalent 6.6
Normal Curve Equivalent 48
National Percentile 49

LANGUAGE
Grade Equivalent 8.0
Normal Curve Equivalent 54
National Percentile 63

TOTAL BATTERY
Grade Equivalent 7.2
Normal Curve Equivalent 51
National Percentile 55

SCIENCE
Grade Equivalent 6.6
Normal Curve Equivalent 47
National Percentile 48

SPELLING
Grade Equivalent 7.8
Normal Curve Equivalent 56
National Percentile 64

MATH
Grade Equivalent 7.2
Normal Curve Equivalent 53
National Percentile 61

REFERENCE SKILLS
Grade Equivalent 6.7
Normal Curve Equivalent 49
National Percentile 49

SOCIAL STUDIES
Grade Equivalent 5.4
Normal Curve Equivalent 41
National Percentile 35

ATTACHMENT NO. 3

PERCENT OF NEW MEXICO STUDENTS
PASSING THE HIGH SCHOOL PROFICIENCY EXAM
1977*, 1979-87 BY ETHNIC BREAKDOWN -
DATA PLOTTED

YEAR	ANGLO	HISPANIC	NATIVE AMERICAN	BLACK
1977*	91%	67%	42%	53%
1979	93%	74%	47%	65%
1980	94%	80%	61%	71%
1981	97%	84%	64%	75%
1982	98%	87%	71%	75%
1983	98%	89%	74%	78%
1984	98%	87%	71%	83%
1985	98%	89%	74%	84%
1986	97%	84%	63%	82%
1987	97%	85%	65%	80%

* Field Study

Senator BINGAMAN. Well, thank you very much for the statement, and I appreciate that comment.

At this point I will go ahead and dismiss this panel, and call up our fourth panel, which is the representative from the Bureau of Indian Affairs, Mr. Ronal Eden, who is the Acting Deputy to the Assistant Secretary for Indian Affairs, Department of the Interior. If Mr. Eden could come forward that would be appreciated.

Let me say in introduction that Mr. Eden is here appearing on behalf of Mr. Ross Swimmer, who is recuperating from surgery and was not able to be here today, and we appreciate Mr. Eden's presence very much.

STATEMENT OF RONAL D. EDEN, ACTING DEPUTY, ON BEHALF OF ROSS O. SWIMMER, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. EDEN. Thank you, Senator. Mr. Swimmer would like to be here, and if he could have he would have. If I may just read his statement.

Good morning Mr. Chairman, members of the committee, ladies and gentlemen. I am pleased to have this opportunity to discuss my initiative to move the education of elementary and secondary Indian children away from the Bureau of Indian Affairs control to local communities.

The BIA educates only about 10 percent of the Nation's Indian children. What I am proposing is that the BIA contract with other systems to provide education for that 10 percent of the Indian population. Currently, 69 of the 181 elementary and secondary schools funded by the BIA are tribally contracted. Local control of a school is essential to the creation of an environment that fosters academic and cultural growth among its students. We believe this growth will be enhanced if schools are managed by local people rather than far-removed policymakers in Washington, DC.

Public Law 93-638, the Indian Self-Determination and Education Assistance Act, enables Indian tribes and Indian organizations to contract BIA services and bring about local control. We are proposing that management of our schools be transferred to local tribal governments. Funding for the schools will continue but management would move from the national level to the local level. In some cases, tribes and organizations may decide not to contract the local BIA school. In those cases we would seek to contract with a local public school district to manage schools not contracted by tribes or to enter into an agreement with an independent school system or other entities that might be appropriate and tribes would agree with. Whenever possible we would also encourage cooperative agreements between BIA, tribes and public school systems.

During 1987 we are developing an education plan with various models of educational vehicles which will serve as a guide during 1988. These models include cooperative school concepts, whereby local school districts and tribes develop an educational program together; tribally operated school districts in which tribal governments take over management of BIA schools; State operated programs on the reservations; and various other alternatives. We envision schools that emphasize comprehensive education skills includ-

ing cultural awareness and language programs; strong parental involvement; teacher training and proficiency; reduction of unnecessary overhead; more teachers in the classroom; and incentives for teachers to bring students up to grade level. Most importantly is the sense of local control and ownership that results when Washington gets out of the way.

I would like to state for the record that this initiative is not intended to weaken the Federal Government's relationship or legal responsibilities it has as a result of treaties, Executive orders, or congressional actions. Far from it. Neither is the initiative budget driven. We will have approximately the same size budget, but hopefully getting more for our money.

I realize there has been a great deal of misunderstanding and misinformation in Indian country regarding this initiative. I have attached to my statement a summary of the initiative in question and answer form. I hope I have been able to provide a better understanding of our goal to provide quality education to our Indian children.

And I will be happy to answer any questions that you may have, sir.

[The attachment to Mr. Swimmer's statement follows:]

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Contracting Elementary and Secondary School Management
Answers to Your Questions

On January 8, Assistant Secretary for Indian Affairs Ross Swimmer announced that during 1988 the BIA will localize the management of its elementary and secondary schools by contracting with tribal governments. Assistant Secretary Swimmer said the BIA would seek alternative delivery systems, such as public schools, if tribal governments opt not to contract. Public Law 93-638, the Indian Self-Determination and Education Assistance Act, authorizes Indian tribes and organizations to contract the management of BIA services. Swimmer said that although some local decision making has reached BIA-operated schools, local management would lead to a feeling of local ownership if the schools were contracted. The BIA funds 181 elementary and secondary schools. Of those, 69 have been contracted by Tribes or Indian organizations.

Many questions concerning this initiative have been raised in Indian Country. Since his announcement, Assistant Secretary Swimmer has traveled across the country to meet with Indian tribes and organizations to address their questions. The BIA has also prepared this paper to answer many of the most commonly asked questions. If you have other questions, please contact your local BIA agency or write the central office. The address is Bureau of Indian Affairs, Elementary and Secondary School Inquiries, 18th & "C" Streets N.W., Mail Stop 3510, Washington, D.C. 20240.

1. There have been conflicting reports throughout Indian Country on the BIA's elementary and secondary school initiative. Exactly what *is* the BIA proposing and why?

   The purpose of the BIA's proposal to contract the management of its schools is this: local control of a school is essential to the creation of an environment that fosters academic and cultural growth among its students. The BIA believes this growth will be enhanced if schools are managed by local people rather than far-removed policymakers in Washington, D.C. Public Law 93-638, the Indian Self-Determination and Education Assistance Act, enables Indian tribes and Indian organizations to contract BIA services and bring about local control. Under the initiative Assistant Secretary Ross Swimmer has announced, the BIA is proposing that management of its schools be transferred to local tribal governments. Funding for the schools will continue but management would move from the national level to the local level. In some cases, tribes and organizations may decide not to contract the local BIA school. The BIA then would seek to contract with a local public school district to manage schools not contracted by tribes. Another option would be for the BIA to enter into an agreement with an independent school system or other entities that might be appropriate. Finally, the BIA would encourage cooperative agreements between BIA, tribes and public school systems.

2. Is the BIA turning over all of its elementary and secondary schools to the states?

   No. The BIA has contracted 69 of its 181 schools to tribes. The initiatives are an attempt to strengthen and further the objectives of Public Law 93-638, that of Indian self-determination.

3. How will the transfer of the Bureau-operated schools to tribes or states ensure more local involvement?

   Presently, Bureau-operated schools have elected school boards that usually are comprised of parents and/or community members. The school board provides the majority of local involvement. Nevertheless, final decisions on policy and operations in bureau-operated schools can be appealed to the BIA's central office in Washington, D.C. If a tribe decides to contract, the tribal council immediately becomes involved, along with its education committee and its education staff. The tribe must stay involved at all levels -- both at the council level and the community level -- to ensure that the contract is awarded and implemented. This control of a community school goes beyond having only the school board involved. A contract school becomes the education focal point for ensuring local input and control.

4. There has been a lot of talk about low academic achievement in BIA schools. Are the public schools doing a better job at educating Indian children than the BIA?

   In some public schools, Indian students academically outperformed their counterparts in BIA schools, as evidenced by the 1985 McGraw-Hill study of Indian students in New Mexico. More importantly, improvements in Indian education are needed in every system. Differences in academic performance, however, are not the main justification for this initiative. Students tend to perform better when the local community assumes more responsibility in the management of the school.

5. What is the time frame for this initiative?

   Fiscal year 1987 will be devoted to consulting with Indian tribes and organizations in order to develop a detailed tribal plan of action for this initiative. The Bureau anticipates that all elementary and secondary schools will be contracted as described above in subsequent years.

6. What will be the impact of this proposal with respect to taxation on Indian lands?

   There will be no impact. No transfer of land is proposed, therefore, taxation of Indian lands is not an issue.

7. Can the BIA guarantee contractors that funding will continue for the management of these schools?

Funding for BIA schools is requested each year and appropriated by Congress. The BIA does not foresee an end to or a decrease from current levels of school funding.

8. Why doesn't the Bureau, with its 14,000 employees and $1 billion a year budget, make improvements from within?

In the Department of Education's, *What Works*, a great deal of emphasis is placed on parental involvement. While the BIA has made headway in the implementation of Public Law 95-561, the system of administering and managing the schools from Washington, D.C. prohibits real parental and community management in the schools. This initiative reflects a belief that real change will come from the local level and not from a national system.

9. What will be the impact of this initiative on BIA employees?

When a school is contracted, in many cases, the employees are transferred to the contractor's payroll. It would be difficult, initially, for a contractor completely to restaff a school. Nevertheless, contractors decide personnel practices.

10. Will there be standards for contractors? If so, who will make sure those standards are followed?

The BIA will maintain oversight over all programs and monitor the contracts for compliance in accordance with applicable contracting requirements. In consultation with tribes, contracts will be developed to ensure that the academic and cultural needs of Indian children are met. Through contract monitoring, strict adherence to the negotiated contract will be enforced. In fact, the BIA will retain staff in the field to monitor the contracts.

11. What will the BIA do if standards provided in the contract are not followed?

When schools are not properly operated according to the negotiated contract, the BIA will have several options to bring contractors in line with the defined standards. These options include: 1) to provide technical assistance to help bring the contractor into compliance; and 2) to revoke the contract and enter into an agreement with another contractor.

12. Will Indian parents, school boards, tribes and other Indian organizations have input to the initiative?

Absolutely. Assistant Secretary Swimmer has met across the country with many tribal leaders to discuss the various BIA initiatives. The points raised in those meetings already are becoming part of the initiative. In addition, the BIA's Office of Indian Education Programs is developing a consultation program that will continue to seek tribal involvement.

13. Has the BIA consulted with Indian tribes?

The initiatives were a result of a widespread belief that change is needed in Indian education. Assistant Secretary Swimmer proposed this initiative as part of the BIA's fiscal year 1988 budget request in order to allow time for consultation before implementation. Because the initiatives are part of the President's budget request, certain restrictions are placed on the release of budget details until the President delivers the request to Congress. The FY 1988 budget request was released on January 5, 1987. Since that time, Assistant Secretary Swimmer has met individually and in area meetings with tribal leaders across the country. He has sent numerous letters to tribes, held press conferences, and briefed Congress, as well as BIA employees. The BIA continues to welcome questions and comments.

14. I have read that the BIA wants tribes to contract schools or enter into "cooperative agreements" with states. What is a cooperative agreement?

It is an agreement that a school will be operated jointly by a school district, tribes and/or the BIA under specific terms which are mutually agreed upon. Shared facilities, programs, personnel, support services or division of grades are generally the basis for such an agreement. A cooperative agreement is cost effective and creates good community relations.

15. Will the BIA continue to operate Off-Reservation Boarding Schools?

Yes. There is a continued need for some Indian children to be served through the Off-Reservation Boarding Schools. The BIA will continue to operate the boarding schools unless a more viable alternative is found.

16. Will BIA facilities be turned over to contractors along with management responsibilities?

Yes. Facilities owned by the BIA will continue to be furnished to the contractor for use under the "638" contract.

17. Who will be responsible for maintaining facilities?

The BIA will continue to own the facilities and to use an existing Facility Improvement and Repair (FI&R) system, which prioritizes renovation requests. Funds will be available for the priority projects. The tribes may contract to operate and maintain the facilities, as well as the operation of the school.

18. The facilities at some BIA schools need to be upgraded. Will the BIA improve these schools before contracting management?

The BIA, through its safety and school facilities program, is assessing each school facility to determine its needs. Any necessary improvements will be programmed on a priority basis.

19. Will the present method of distributing funds on a per pupil basis remain the same?

Yes. The BIA will continue to distribute funds based on the Indian School Equalization Formula.

20. Will contractors continue to be eligible for indirect costs from the BIA?

Yes. All BIA contracts receive some form of administrative support.

21. What incentives are there for tribes to contract?

Many. Tribes are considered governments and with that recognition comes the responsibility to provide governmental services to the constituents of that government. Tribes should view this as an opportunity to serve their people. The tribe has increased influence over the development of curriculum, operations and personnel. Tribal contractors are eligible for added funds from the private sector, the state governments and other federal agencies.

22. Will the BIA or tribes lose funds from the Department of Education if the initiative is implemented?

This initiative affects only the BIA's elementary and secondary schools. Supplemental Department of Education programs such as Chapter 1 and P.L. 94-142 will not be affected. Other Education Department programs are not part of the proposal.

23. Is this another budget-cutting effort by the BIA?

This is not a budget-cutting exercise, but rather an effort to transfer control of education programs from the BIA national level to the local tribal level.

24. Will contractors be allowed to contract for the total package, i.e., facilities, maintenance, transportation, food services and residential services?

Yes. Contractors will be encouraged to contract all the activities affecting the school system.

25. Has the BIA discussed its plans with state leaders?

Yes. The Assistant Secretary has met and talked with state leaders to explore their willingness to be an alternative delivery system if tribes opt not to contract.

26. Is this initiative a termination effort in disguise?

No. Termination is a legal move in which Congress must approve, and the President sign, a bill to terminate a tribe's federal recognition.

27. Will contractors be allowed to enter into multi-year contracts?

Yes. Of course, contract terms are negotiable but multi-year contracts are encouraged.

28. Is the BIA reviewing the contracting process to make it easier for tribes to contract?

The BIA intends to streamline its P.L. 93-638 regulations in consultation with tribes, Congress and its employees.

Senator BINGAMAN. Thank you very much. Let me just ask a couple of questions and then perhaps Senator Inouye would have a question or two.

One issue that was raised earlier and that I asked the State panel about is the issue of salary levels, base salary for the teachers in the BIA system. Chairman MacDonald's testimony, as I recall it, was that the base salaries for the teachers going into the BIA system was 25 percent below the base salaries offered by the States that the Navajo Tribe looks to for help in education. To your knowledge, is that a reasonably accurate figure and if so how did that come about?

Mr. EDEN. I believe that there is creditable evidence that our teachers are not being paid at the rate that many of their colleagues are just down the road in a public school system. I am not sure what the exact rate is but we do perceive that we are not in a competitive situation.

It isn't the question though of just the money at the present time. When 561 was passed the teachers salaries were tied to the Federal General Schedule, to the rest of the Federal employees. That serves as a cap and unless the legislation is amended on that that, will continue.

Senator BINGAMAN. Now, does that cap also account for the low base pay for entering teachers, as you understand it?

Mr. EDEN. I think so.

Senator BINGAMAN. It is your thought then that we need to legislatively change 561 in order to permit the BIA to pay at the same rate or comparable rates to what the States are paying?

Mr. EDEN. We are at the present time taking a look at the salary structure and trying to get some sense as to what the realities are. We know some places are where our salaries are still competitive but those are in areas of course where the economics is pretty grim, and, so, everything is kept relatively low on the public school side. But there is a legislative problem there.

Senator BINGAMAN. Do you expect to be making any recommendations to Senator Inouye's committee or any other committee in the Congress about legislative changes needed to deal with this problem, if that is a problem that requires legislation?

Mr. EDEN. That is a policy issue, Senator, that will certainly be discussed within the Bureau of Indian Affairs and with the Assistant Secretary.

Senator BINGAMAN. So you are not at this point able to say whether any legislative recommendation would be made?

Mr. EDEN. No, sir, I am not.

Senator BINGAMAN. OK. Let me ask on this annual study. When I was researching the issue of whether we needed to have a provision put in the supplemental appropriation bill to slow down the transfer; I was concerned that enough study had not been done of the problems of Indian education, and we ran across this Public Law 95-561, which was passed in 1987, which provides that the Bureau shall submit to Congress, and this is a quotation from the statute "detailed annual reports on the state of education within the Bureau and any problems encountered in the field of education." I have not been able to find any of those annual reports from 1978 until 1987. Do you know what the problem is?

Mr. EDEN. Well, fortunately I have only been on board about—since January. But the—one of the things that we are doing right now is putting together an annual report. We had one that came in just a few weeks ago. We are rewriting that to try to get even more of a story in there of what we are doing. We have got some good things to talk about. There are a lot of problems to talk about. I have been in touch with the staff this morning. We are hoping to have a draft on my desk sometime in the next week or so. We will continue to get that scrubbed, and Senator, we are trying to get you an annual report as quickly as we can.

Senator BINGAMAN. So we could expect a report from you on this issue of Indian education by what date, do you think?

Mr. EDEN. I would hope that we could have something by the end of October.

Senator BINGAMAN. By the end of October?

Mr. EDEN. Yes, sir.

Senator BINGAMAN. All right. Let me ask, on the proposal that Mr. Swimmer has made for the transfer, and for the contracting out of responsibility for Indian education. Is it expected that you will prepare—you said you are preparing at this point some kind of a report on different models. Is that going to address how this would actually be implemented? There's still a great many questions that I have and that I believe members of the Indian community have about how this would happen and how the Federal Government's level of support could be guaranteed under this kind of a contractual arrangement if it did go forward. Can we expect something more comprehensive and indepth than we have received so far?

Mr. EDEN. What that was alluding to is that we are attempting to lay out a long-range plan as to where Indian education ought to be going over the next several years. The belief is that if we don't say collectively, all of us, where do we want to be say by the year 2,000, then we shall not get there. We've been working on that. It is our intent to put various and sundry options in there that would enable all of us to work more closely with one another and carry out the important educational function that the students desperately need. When we get that whipped into some sort of a draft we intend to go to Indian Country with that and discuss that with them and let them know some of the things that we are observing and asking for their input. I have made that commitment at other meetings. There are folks here who are aware of that. I don't intend to back away from that at all.

Senator BINGAMAN. That long-range plan I think is a good deal of what Congress had in mind in 1978 when it was asking for the reports. And you have indicated that by the end of October we could expect the annual report for 1987 on the condition of Indian education, is that correct?

Mr. EDEN. The annual report will cover last year. The data that we are having to work with is last year data. When we are finished with the end of this fiscal year we will turn around and start preparing the next annual report covering 1987 and try to institutionalize that and carry out the legal commitment of giving you folks an annual report on the status of education.

Senator BINGAMAN. Well, let me ask you if you could give us a date by which this long-range draft plan would be available so that Indian leaders would have that to review and then go over with you?

Mr. EDEN. It is going slower than I expected. I had hoped to have something by October. I am not going to be able to make it. We are doing some drafting now, various sections of the report. We are running some forecasts, trying to get some data together. We would hope this fall sometime to have a draft of that. I cannot give you a precise date.

Senator BINGAMAN. But by this fall you mean before this winter?

Mr. EDEN. Yes, sir.

Senator BINGAMAN. In your view does winter start—when?

Mr. EDEN. Right now winter is starting for me at the moment, Senator.

Senator BINGAMAN. Could we say the 1st of December? Is that a reasonable date for saying that this long-range plan would be in draft form so that the people most interested of course, the Indian community would have this to review and begin discussing it with your agency?

Mr. EDEN. I would certainly shoot for that. We are a little behind on our schedule right now. We are even willing to send status reports up letting you know how we are doing on that, in case we run into any problems. But December does seem a reasonable target to shoot for.

Senator BINGAMAN. OK. Senator Inouye.

Senator INOUYE. I would just like to send a message to Secretary Swimmer, if I may.

Mr. EDEN. Yes, sir.

Senator INOUYE. The most important paragraph in his statement reads as follows: "I would like to state for the record that this initiative is not intended to weaken the Federal Government's relationship or legal responsibilities it has as a result of treaties, Executive orders, or congressional actions."

Mr. Swimmer may believe that. But I believe that Indian leaders throughout this land perceive this action to be a diminution of our trust responsibilities. Because unfortunately some of the facts would support this perception. For example, in the State of New Mexico, fortunately there is an enlightened Department of Education. But there are other States and other school districts where board members are not committed to the education of Indian students. It would be an easy administrative move on your part to transfer this Federal responsibility to some school district. And I think that is improper.

Senator BINGAMAN. I appreciate that very much. And we appreciate your testimony today. We will stay in close touch with you and we will look forward with great interest to the long-range plan that you are preparing for us by the 1st of December, and we will look forward to the annual report that you are going to have for us by the end of October. And we hope that you will keep all of us in Congress well informed on this.

Why don't we dismiss you at this point unless you had anything else to add. All right.

And let me now turn to Senator Inouye to make a statement. He's going to have to excuse himself after this but he would like to make a final statement before he does so.

STATEMENT OF HON. DANIEL K. INOUYE, A U.S. SENATOR FROM THE STATE OF HAWAII

Senator INOUYE. Thirteen days from now our Nation will pause to observe and celebrate the 200th anniversary of the signing of our Constitution. Very few Americans realize but at the time of the drafting of this Constitution the drafters, especially George Washington and Benjamin Franklin, very much admired and respected the principles, and concepts and governmental practices of the six nations of the Iroquois Confederacy. And constitutional historians and scholars have all stated to a very significant degree the Constitution of the United States is based upon these principles that were founded in the Iroquois Confederacy.

Furthermore, in the Constitution itself, in the commerce clause, specific reference is made to our Federal responsibility to Indian nations and Indian tribes. And as a result of this responsibility, this trust responsibility, this Nation entered into 370 treaties with separate Indian tribes and nations. However, the history of Federal relationship with Indian nations and tribes in the past 200 years is not one of the brighter pages of the history of the United States. Of the 370 treaties that we solemnly signed and ratified, provisions in every single one of them have been violated. This by a nation that prides itself in upholding treaties.

Two hundred years ago anthropologists suggest to us very conservatively that there were at least 12 million Indians residing in the 48 States. Some suggest that the number was as high as 15 or 16 million Indians residing in the continental United States. A hundred years later after the Indian wars 50,000 remained. That is not a bright chapter in the history of the United States.

There is a historical footnote to this Indian war. During that period the Surgeon General of the Army of the United States sent a directive to the field commanders indicating that he was at that moment conducting a study and a survey of Indian cranial, Indian skulls. And, so, he requested that the troops on the field assist him by sending to Washington skeletal remains of Indians. Now there was a period of hectic collection of skeletal remains. Graves were dug, burial sites were desecrated, and men who were recently slaughtered on the field had their skeletal remains sent to Washington. Today in the boxes and shelves and closets of the Smithsonian Institution in Washington there are over 18,000 skeletal remains.

Two hundred years ago we by treaty declared that Indian nations had sovereignty and title to about 550 million acres of land. Today 50 million acres of land.

The U.S. Government over this period has spent literally millions of dollars through the BIA and other agencies, and yet we find that today the highest incidents of alcoholism among any ethnic group in the United States would be found among Indians. Today we find that the highest incidents of suicide among ethnic groups would be among the Indians. The highest rate of diabetes,

pneumonia, cancer, mental illness will be found among Indian nations. So something must be wrong. And as I indicated to you in my first opening sentence, I think for too long Washington has made the solutions to Indian problems. The time has come for Indian people to come up with their solutions. That is why I am here.

And as chairman of the Select Committee on Indian Affairs I want you to know that my committee is very pleased with the action taken by Senator Bingaman in calling this important hearing. Because what is involved here is the very essence of the survial of Indian people—education.

It has been said that for people to exist, two things must also exist, language and knowledge of tradition and history. Because without these two, self-esteem and pride in one's ancestry is impossible. Thank you.

Senator BINGAMAN. Let me call the hearing back to order here. We still do have one panel which I would like to go ahead and bring forward.

Let me please get your attention again. You can all see why Senator Inouye is held in such high respect in the U.S. Senate and throughout this country.

Our final panel is a panel of educators. Mr. John Juarez, who is dean of the School of Professional Studies at New Mexico Highlands University; Mr. David Colton, dean of the College of Education, University of New Mexico; Ms. Lorena Bahe, who is the executive director of the Association of Navajo Community Controlled School Boards; and Ms. Carmen Taylor, who is the program director of the National Indian School Board Association.

Let me in introducing this panel just tell them that I greatly appreciate—I think their expertise is well recognized on these key issues. We do have prepared statements that we are including in the record and I would certainly appreciate it if they could summarize their statements and make the key points that they believe need to be considered today. Thank you very much.

Why don't we start with Mr. John Juarez. Could we please have everybody who is not trying to hear the testimony please step out in the hall. Thank you. Go ahead, please.

STATEMENT OF JOHN JUAREZ, DEAN, SCHOOL OF PROFESSIONAL STUDIES, NEW MEXICO HIGHLANDS UNIVERSITY

Mr. JUAREZ. Senator Bingaman, distinguished guests. I do not have a prepared statement to be placed in the record, however, I appreciate the opportunity to do so. I am available to join in the discussions of the critical issues before us.

I would like to say that New Mexico Highlands University has joined with the New Mexico State Board of Education and the New Mexico State Department of Education in developing initiatives in improving education for Indian students. Specifically, New Mexico Highlands University has cooperatively sponsored two Indian education forums for the specific purpose of presenting and deliberating issues of concern in education for Indian students.

The university has a commitment to the education of Indian students and has actively sought the advise and cooperation of several

Indian groups in formulating the university's policy for Indian education. As a result of these discussions the university has begun signing memorandums of understanding with the Indian pueblos. At present it has signed memorandums of understanding with Santo Domingo Pueblo, Pueblos of Acoma, and currently working with Pueblo Cochiti.

Senator, thank you for the opportunity to appear before you today and I will attempt to answer any questions that you may have.

Senator BINGAMAN. Thank your very much. Our next witness is Mr. David Colton, who is the dean of the College of Education at the University of New Mexico. Thank you for being here, doctor.

STATEMENT OF DAVID L. COLTON, DEAN, COLLEGE OF EDUCATION, UNIVERSITY OF NEW MEXICO

Mr. COLTON. Senator Bingaman, distinguished guests, and colleagues. I am David Colton, dean of the College of Education at the University of New Mexico. New Mexico's culturally diverse population makes our State one of the world's best natural laboratories for studing the relationships among culture, teaching, and learning. Our college has become a leading center for study and training in multicultural education. This morning I shall employ a multicultural education perspective to assess Assistant Secretary Swimmer's proposal to divest control of BIA schools.

It is a particular pleasure for an educator to address the Congress's Joint Economic Committee. Economic competitiveness and economic well-being are highly dependent upon good teachers, good instructional materials and strategies, and good school leadership. For American Indians the relationship between good education and economic success is especially significant; high dropout rates and low academic achievement scores go hand-in-hand with high rates of unemployment and poverty.

The Swimmer proposal apparently was prompted, in part, by frustration about the academic performance of students in BIA schools. Certainly there is ample evidence that BIA schools are providing inadequate education to many American Indian students. The same thing can be said about the public schools which serve American Indian students; in New Mexico and in other States American Indians, on average, perform badly on traditional tests of academic achievement. Yet there are BIA schools and public schools where Indian students perform well. Governance arrangements do not account for much of the difference between successful and unsuccessful schools and students. If we want to correct the problems of education in BIA schools, we must first understand the sources of the problem. I respectfully suggest that the Swimmer proposal is no more likely to alleviate the problems of Indian education than was the decentralization plan which was supposed to solve the problems of New York City's schools two decades ago. All available data show that school effectiveness is tied to teachers, instructional strategies and materials, and school leadership, more than to governance arrangements.

In recent years educational scholars and policymakers have begun to understand how cultural characteristics affect school suc-

cess. As an aside, I should point out that our Nation is learning the same lessons in the area of foreign economic assistance: where the assistance is designed and delivered with appreciation for the cultural context, it works. Where it isn't, it doesn't. The same can be said for the delivery of educational services. Let me illustrate by citing three cultural phenomena pertinent to the education of American Indians:

1. Learning from books versus learning from observation. The written word pervades the environment of children in the dominant Anglo-European culture. But children in the pueblos and in the vast spaces of the Navajo Nation are taught that learning comes through observation and example. Each tradition produces characteristic patterns of learning and thinking. There is ample evidence that Indians, unless they have been assimilated into urban culture, are particularly skilled at processing visual information, and at learning through close observation. Anglo culture specializes more in processing written information. A traditional Indian student has difficulties when suddenly placed in a school where teaching strategies and materials and tests are predominantly literary rather than visual. Properly managed, these difficulties can be transcended. But proper management requires better knowledge, better trained teachers, and better instructional materials—not just changed governance structures.

2. Man and nature. In the Western tradition man seeks to exploit the environment. In the American Indian tradition man seeks harmony with the environment. Indian students brought up in that tradition will encounter difficulty in dealing with teachers and curriculum materials which reflect the exploitive orientation, or which fail to recognize the beauties of the Indian way. Culture shock inhibits learning, unless properly managed. The problem is essentially a pedagogical one. Its solution lies in better research, better teaching techniques, and better teaching materials—not in changed governance structures.

3. Spotlighting. The American common school is fundamentally competitive. It is designed to reward and acknowledge individual achievement. American Indian cultures often prefer communal endeavor, and frown on spotlighting individual achievement. This cultural difference, like the others I've mentioned, can be handled by good teachers using good techniques and good materials—not by changing governance structures.

Secretary Swimmer's proposal, for all its attractiveness in terms of deregulation and self-determination, scarcely addresses the problems of teaching and learning in American Indian cultural contexts. It simply is a divestiture plan which moves the problems from one place to another. I do not mean to imply that greater involvement by tribal and State agencies is undesirable. Quite the contrary. As our foreign aid experience has taught us, and as educational reform efforts repeatedly demonstrate, good results require intensive up-front involvement by all parties. Indeed, the New Mexico Legislature has adopted a memorial directing State officials to insist upon such involvement before any decisions are made. With consultation and negotiation, the Swimmer suggestion perhaps can be modified and made into a plan which takes account of the unique cultural aspects of American Indian education, which

capitalizes on the BIA's special potential for supporting research and training and curriculum development uniquely suited to American Indian education, which recognizes the differences in tribal and State governance capabilities, and which honors our National Government's historic moral and legal and financial obligations to Indian education. With such a plan American Indian education will become much more effective in assuring the economic success of American Indians and the larger society. Thank you. I will be happy to respond to any questions.

Senator, I appreciate your presence here today and your interest in this very important question for all New Mexicans.

Senator BINGAMAN. Thank you very much for that testimony. Our next witness is Ms. Lorena Bahe, who is the executive director of the Association of Navajo Community Controlled School Boards.

STATEMENT OF LORENA BAHE, EXECUTIVE DIRECTOR, ASSOCIATION OF NAVAJO COMMUNITY CONTOLLED SCHOOL BOARDS

Ms. BAHE. Thank you, Senator Bingaman. It is with great pleasure for me to appear before you today in my new capacity, as executive director, Association of Navajo Community Controlled School Boards (ANCCSB). I thank you for this opportunity.

ANCCSB is an 11-member education organization of Navajo contract schools, those schools which have availed themselves of the opportunity to take full control of their educational programs under contracts authorized by the Indian Self-Determination Act, Public Law 93-638. Self-Determination began on the Navajo Reservation in 1966 with the formation of Rough Rock Demonstration School and the 1970 creation of the Ramah Navajo School Board. Rough Rock was the first Indian school controlled by the local Indian community, and Ramah was the first Indian school board started from scratch by an Indian community.

We are, therefore, proud of our history and contribution to the development of this historic policy. In our view, Indian self-determination represents the only viable approach of Federal-Indian relations because it rests on the necessary understanding that preservation of our tribal heritage, tribal communities are vital to provision of equal education and other opportunities to Indian people.

And I think Senator Inouye has made a good statement in reference to this and I agree with him wholeheartedly. The Association of Navajo Community Controlled School Boards in recognizing local control is primarily responsible to the local elected officials, to the parents, and to the students of that community, and we are also responsible to the Navajo tribal government.

It is on this precise point that we are most concerned about Assistant Secretary's Indian education initiative. As we understand it, tribes and tribal communities will not be afforded much choice as to who will control their schools. They will be told either to take over all Federal Indian schools right away or they will be turned over to the States. This kind of ruling is anathema to Indian self-determination. It presents us with a Hobson's choice: either take over schools without the means to operate them properly or lose them to historically unresponsive public schools run by outsiders.

The choice is made even more intolerable, when placed against the backdrop of problems caused by Bureau of Indian Affairs (BIA) intransigence to tribal control. The history of Indian self-determination since passage of the act reveals unswerving resistance by the bureaucracy to full implementation and full funding for the policy.

As a result, those Indian tribes and organizations, such as ANCCSB's members who have taken over their own programs, have faced endless BIA sniping, endless obstacles, endless funding battles in their efforts to run smooth, stable programs. Swimmer's proposal might be viewed less harshly if the option of tribal control meant stable funding, BIA cooperation, and adequate funding levels. It does not. And so the initiative smacks of dictate under which tribes in reality have little choice, but to see their children disappear into the assimilationist surroundings of distant public schools. In 1969, the Special Senate Subcommittee on Indian Education reviewed the trend toward sending Indians to public schools, and concluded the practice was violative of basic Indian rights and destructive of Indian education goals. Nothing has changed in our perception that makes the public schools more attractive, as a whole, for the majority of Indian children on reservations.

Given the Reagan administration's overall policies, the true motive for Mr. Swimmer's initiative stands nakedly revealed. It is nothing less than an attempt to reduce the Federal deficit by removing Indian education from Federal responsibility. We believe this motive violates historic obligations, which I think has already been made reference to, of the United States to Indian tribes. Although a majority of Indian children do attend public schools reservation wide, the Federal Indian school system remains a vital guarantor of Indian identity. By holding our the option of local Indian community control through Public Law 93-638, the Federal system assures preservation of Indian values.

Thus, ANCCSB urges complete rejection of Mr. Swimmer's initiative. It is ill conceived, nakedly self-serving, ill timed, and violative of longstanding Federal-Indian understandings and commitments.

I would like to go into a resolution that was passed by the Association of the School Boards, Inc., and I would like to just share with you some of the major points.

1. That in justifying for these initiatives to Congress in 1987 the Assistant Secretary openly proclaimed that the failure of BIA centralized bureaucracy to implement educational programs and those—and those few areas such as Eastern Navajo Agency which the Indian control of Indian education have been implemented. And I think someone had already made reference to the two New Mexico schools that were the recipient of the National School Recognition Award. One was the Santa Fe Indian School. I am very proud to announce the second one which was the—an all Navajo school from Eastern Navajo Agency, the Dzilth-Na-O-Dith-hle School. I think it's—maybe it's because of the pronunciation of the word that it was not included here when it was made reference to, non-Navajo speakers -which it is easier for non-Navajo speakers to say just Navaj Disneyland School. So that school I am very proud, had received the National School Recognition Award along with the Santa Fe Indian school. We also believe that the initiative to establish a 50-percent flat administration fee in just a budget cut

effort and it simply serves to underscore the BIA's failure to develop an administrative cost formula as stipulated in Public Law 95–561.

The Association of Navajo Community Controlled School Boards commend all Government officials, tribal officials, people like Senator Bingaman, on its related effort to consult with the Indian people at the local level before proposing any further initiative to Congress, and urges that beyond simply going through the motions of consultation that the BIA should actually be here to accept some of the constructive criticisms that we have heard today and hoping that the BIA officials would learn from all these criticisms.

I thank you on behalf of the Association of Navajo Community Contract Schools. Thank you.

Senator BINGAMAN. Thank you very much for that testimony.

And our final witness today is Ms. Carmen Taylor, who is the program director for the National Indian School Board Association. We appreciate you being here very much.

STATEMENT OF CARMEN CORNELIUS TAYLOR, PROGRAM DIRECTOR, NATIONAL INDIAN SCHOOL BOARD ASSOCIATION

Ms. TAYLOR. Thank, you Senator. On behalf of the membership for the National Indian School Board Association we would like to thank you for the opportunity to testify today on something that is very important to us, and that's the matter of local control.

The National Indian School Board actually formed in 1982 because there was a fear at that time that the Bureau was beginning to slow down the implementation of 95–561 which had started in 1978. We have an associate membership to our group, and I want to mention that because I think there is a key element here. The associate membership consists of parent committees and tribal education committees, and one of the reasons our membership decided to add that group was because outside of the BIA funded schools there is not a lot of local or Indian controlled school boards, and yet a lot of the public schools wanted to be able to have some input and be a part of the association, so parent committees, who often times are the only input into the public schools, and that is not across the board, but it is very difficult for there to be Indian controlled boards outside of the Bureau funded system.

The real intent of our organization is to help facilitate the impl mentation of the Bureau's congressional mandated policy of "Indian control of Indian affairs in all matters relating to education." And we feel that this is best accomplished through parents of Indian children serving on school boards and parent committees in cooperation with their tribal governments.

The recent education initiative proposing to force tribes to contract the operation of all BIA schools or have BIA contract them out to public schools or other non-Indian entities, actually negates Indian control. "Local control" is best defined by the community in which the school is located. Public Laws 93–638 and 95–561 and subsequent amendments were passed to facilitate control of education by Indian people. If there is a problem with the system, it is that the Bureau has failed to implement various sections of the

laws designed to improve the quality of education for Indian children.

Public Law 93-638 requires the Secretary to contract any portion of the BIA program to the Indian tribe(s) that it serves, if the tribe(s) so request. Because of deep misgivings on the part of some tribes, BIA's implementing regulations include specific assurances that "it is the policy of the Bureau not to impose sanctions against an Indian tribe for either contracting or declining to contract" under Pubic Law 93-368.

In other words, tribal governments already have the option to contract if they so desire. The number of schools contracted by tribes is increasing each year in spite of considerable obstacles placed in the path of potential contractors. The contract support system is unstable and seems to get less so with each budget cycle. While it is partially true that an initiative such as the Assistant Secretary proposes might serve as a stimulus to contract now before the opportunity is lost, such contracting might also prove to be hastily done and poorly implemented. It has recently been brought to my attention that some tribes have approached the BIA for planning dollars under 638, but have been told that there are no planning dollars available. It appears that this is one area where BIA could encourage tribes to contract their programs—by providing planning and startup costs to assure a successful transition.

Although the Assistant Secretary has stated that academic performance is not the main justification for this initiative, he has frequently made reference to students in BIA-funded schools "receiving a substandard education" and has cited some test scores.

One of the things that we found out when the Bureau did their test score analysis is that that test score analysis included 5,000 special education students, and so in reality it brought the scores down considerably.

We also found out, and I quote some statements out of the narrative which the CTB/McGraw test people put together in their 1985 report. They said that "overall the scores indicate that the improvements in achievement with respect to national norms reported from 1982 to 1984 continued in 1985." The improvement "from the 1984 scores was the greatest in the upper grades."

And as we have already heard, there are many instances where students in Bureau-funded schools are outscoring some of their counterparts.

There are many success stories and we have heard some of them today. For the record, my testimony will include some of that.

It is ironic that the BIA identifies many schools as having initiated new, unique, and innovative programs and at the same time proposes to turn these schools over to alternative educational delivery systems. In fact, the BIA—on page 36 of its budget justification for fiscal year 1988—states the "objective of the school operations programs are: (1) to provide high quality basic educational and residential programs to Indian students not served by public or sectarian schools. * * *"

There are, in fact, many high quality BIA-funded schools which exist and are doing many innovative things. Test scores are improving, the number of accredited schools increases each year, and

local school boards are taking hold of their leadership roles and are showing real concern over the quality of programs in their schools. A recent survey shows that 59 percent of the schools are either State accredited, regional accredited, or both; and another 22 percent have applied for accreditation and are in some stage of that process. There are numerous success stories: right here in New Mexico, two schools will receive formal recognition in October as part of the Department of Education's National School Recognition Program: one contract school—Santa Fe Indian School and the BIA operated school is Dzilth-Na-O-Dith-hle Community School in Bloomfield. Three BIA funded schools also received awards for having exemplary chapter I projects: again, two here in New Mexico—Santa Fe Indian School and Wingate Elementary School, and another contract school in the State of North Dakota. Zia Day School continues to produce students who receive Presidential academic fitness awards each year, and this year, one of their students placed first in the Sandoval County spelling bee.

The National Indian School Board Association and the Association of Contract Tribal Schools continues to recommend—as we recommended to the House Appropriations Committee and the Subcommittee on Elementary, Secondary, and Vocational Education during their respective hearings last March—that the Congress take whatever action is necessary to prevent the Secretary of Interior from carrying out the proposed "contract or else" initiative against the expressed wishes of the tribal governments and local school boards. Further, we recommend that the Bureau of Indian Affairs work to improve its delivery system—not abandon it. Public Law 95-561 provides a vehicle for what could be a model school system if it became a priority to carry out the law—both the spirit and intent as well as the technical mandates.

In 1979 and 1980, the Bureau did make a concerted effort to implement 95-561. Regulations were pushed through, training was conducted, agreements were developed, and so forth. Since that time, we have often observed a reversed trend in that much of the policysetting and decisionmaking has been pulled back to the central office level.

I have heard that Assistant Secretary state that a "national system of education will not work—it must be a local system. * * *" Very few people would disagree with that type of philosophy. Certainly, as an organization which promotes leadership through school boards, we would support ideas which facilitate local control. However, 95-561 never intended for the BIA system to be a national system. The reverse is true—more and more of the decisions and control was to be spun off to the local communities. The only real function of the central office should be to set some very broad policies via the existing set of policy regulations and to ensure that a student count is taken so that funds may be allotted.

When addressing the issue of increased local control, one must examine the current difficulties Indian communities have getting Indians on public school boards. According to a 1986 American School Board Journal, only 0.9 percent of the board members in public schools are American Indian. Present school boards in BIA-operated and tribal contracted schools are Indian and are elected or appointed in accordance with tribal law and delegations of au-

thority. For your information and review, I am providing you a copy of a BIA School Board Profile/Directory which makes some comparisons nationally. Page 18 of the document also provides a comparison of how public school boards, BIA boards, and the general public rank educational issues and concerns.

Other examples of nonimplementation are: (1) a detailed plan to bring educational facilities into compliance with health and safety standards; (2) regulations which modify the personnel system; (3) changes in the ISEP regulations; (4) annual reports to Congress which include recommendations for improving local control efforts; and numerous other provisions contained within 95-561, 98-511, and 99-89. This nonimplementation has, once again, resulted in still more amendments—H.R. 5 and the companion S. 1645. How many more times do we try "to fix" what really was already provided for under the original 1978 law, 95-561?

In addition to concern over the 1988 education initiatives, NISBA is concerned over other issues which I would like to briefly mention at this time.

Of particular concern is the increasing gap between salaries of teachers in BIA schools and salaries of nearby State public school districts. Although 95-561 includes a provision whereby a position could receive an additional 25 percent to the basic rate of pay, the Bureau has not utilized this provision to the advantage of the local schools. In cases where it could be used, the schools do not always have the dollars. Two years ago, we worked on a provision which would have authorized a separate sum of money for merit and other pay provisions. However, the BIA opposed it and the provision was stricken from a later version of the legislation. NISBA recommends that in order to have a clear picture of this problem that a study be conducted which would compare salaries of BIA teachers with teachers in their respective States. For your information, I am attaching an NEA survey of average salaries. The BIA is falling further and further behind in most States and this contributes to recruitment and maintaining good teachers.

The status of wage grade employees needs to be reviewed and some alternatives for change developed. Not only would it increase local control but money would be saved as well. Currently, cooks and bus drivers make salaries comparable to principals and teachers and school boards have no say in the selection of these individuals in many locations. This problem has to do with the manner in which surveys are conducted for establishing wage grade pay scales.

One lingering problem is the timeliness of receiving final allotments. Although the BIA did get out earlier allocations this year, it is still midyear before a school actually knows what their budget is—hardly conducive to good planning and sound financial management and accountability. Authorization already exists for both forward funding and advance funding; it is not being utilized. This is another case of implementing what is already authorized.

Incentives to contracting schools must be provided so that tribes find it desirable to run the schools themselves. And for those locations who find it more desirable to remain a BIA-operated school with school boards functioning under tribal delegations of authori-

ties and 561 regulations, there should be a system which promotes local control to the fullest extent possible.

It is the position of the National Indian School Board Association that the energy currently being expended on trying to identify alternative delivery systems could be better spent on making the present system work.

And that again is not to say that we don't think that that includes talking to tribes and talking to States and talking to public schools so that there can be a cooperative effort.

And again, I thank you for your concern about the education of Indian children, and for this opportunity to testify today.

[The attachment to Ms. Taylor's statement follows:]

(From USA TODAY, November 5, 1986)

Charting the USA

Teacher pay range: $18,095 to $41,480

The average USA teacher made $25,313 and school systems spent an average of $3,723 per pupil in 1985-86, according to a National Education Association survey. Total teachers: 2,495,000, up from 2,211,000 in 1980. Alaska, the biggest spender, paid teachers an average of $41,480 with per-student costs of $8,349. South Dakota teachers earned the least, $18,095. Utah, 32nd in teacher salaries, spent least per pupil, $2,297. The NEA calculated that public schools averaged nearly 18 students per teacher in elementary and secondary schools. Pay and cost per student in 1985-86:

State	Pay	Costs	State	Pay	Costs
Ala.	$22,934	$2,729	Mont.	$22,482	$3,947
Alaska	41,480	8,349	Neb.	20,939	3,285
Ariz.	24,640	2,829	Nev.	25,610	2,932
Ark.	19,538	2,642	N.H.	20,263	3,114
Calif.	29,132	3,606	N.J.	27,170	5,536
Colo.	25,892	4,042	N.M.	22,844	3,402
Conn.	26,610	4,888	N.Y.	30,678	5,710
Del.	24,824	4,517	N.C.	22,795	3,366
D.C.	33,990	5,020	N.D.	20,816	3,059
Fla.	22,250	3,731	Ohio	24,500	3,547
Ga.	22,080	2,980	Okla.	21,419	2,752
Hawaii	25,845	3,766	Ore.	25,788	4,123
Idaho	20,969	2,509	Pa.	25,853	4,168
Ill.	27,170	3,621	R.I.	29,470	4,869
Ind.	24,274	3,159	S.C.	21,570	2,920
Iowa	21,690	3,568	S.D.	18,095	2,967
Kan.	22,844	3,914	Tenn.	21,800	2,533
Ky.	20,940	2,853	Texas	25,160	3,429
La.	20,460	3,124	Utah	22,341	2,297
Maine	19,583	3,348	Vt.	20,325	3,554
Md.	27,186	4,349	Va.	23,382	3,594
Mass.	26,800	4,642	Wash.	26,015	3,705
Mich.	30,168	3,782	W.Va.	20,627	2,821
Minn.	27,360	3,982	Wis.	26,525	4,247
Miss.	18,443	2,305	Wyo.	27,224	5,440
Mo.	21,974	3,155			

Source: National Education Association

Senator BINGAMAN. Thank you very much for that testimony. Rather than go into questions, we are running behind and I would like to make a final statement and then conclude the hearing.

I believe there clearly are some success stories in connection with BIA-funded schools, and this school we are here in today is an excellent example of that, and we do not want to in anyway diminish our recognition of those success stories, but I believe the testimony has been fairly clear from many of the Indian leaders and others, some of these witnesses on this panel as well, that there are some major deficiencies in Indian education and some ways in which Indian children have been permitted to receive substandard educations in our country.

I want to agree with Senator Inouye's earlier comment and indicate that whatever action is taken with regard to Mr. Swimmer's recommendation for transfer of responsibility or authority for Indian education, I as well as Senator Inouye, and I believe I can speak for many in Congress, are committed to seeing that the Federal Government does not in any way reduce its commitment to Indian education and reduce its trust responsibility, which I believe is very clear under the treaties that we have signed.

Long-range planning is clearly needed if we are going to upgrade the quality of Indian education in this country. I think there's been very—much too little, too little attention to the long-range planning. We seem to be always in a catchup mode. Always reeling from one year to the next.

I believe much better communication is clearly needed as evidenced by some of the testimony this morning. Communication between the BIA and the State officials and the tribal officials, as well as those involved in contract schools.

The solution, how to correct these problems is not going to be easy. The solutions are not going to be quick in coming, but clearly the beginning of the solution is to give this issue the priority that it deserves. I think it has not had that attention to near the extent it deserves, so I am committed to doing that. I think this hearing this morning has produced us a large number of specific actions that people have indicated need to be taken to improve Indian education, and I commit myself and my staff to following up some of those specific recommendations and working with the various officials involved to see if we can accelerate the pace of improvement in Indian education.

I again want to thank all of you who have participated, and many of you who came today and are very knowledgeable on this subject but have not had a chance to testify.

I'll repeat once more before we close the hearing, that we do have some additional testimony that has been submitted to us; it will be included in the record and made a part of these proceedings, and to the extent that there are others in the audience who would like to submit testimony or supplement anything that has been said here you would be welcome to do that anytime within the next 30 days. I think this has been a useful hearing. It has been educational for me and I hope it leads to some significant improvements in the future.

I thank you all and I will conclude the hearing of the Subcommitte on Education and Health at this time.

[Whereupon, at 12:45 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIX

TESTIMONY

PUBLIC HEARING ON
Indian education and the proposed transfer of Bureau of Indian Affairs Schools to tribes or local governments.

FRIDAY, SEPTEMBER 4, 1987

HARRY HENDRICKSON
Assistant Superintendent, Elementary Instruction
GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS
GALLUP, NEW MEXICO

Senator Bingaman, Senator Inouye, ladies and gentlemen, I am Harry Hendrickson, Assistant Superintendent of Instruction, representing the Gallup-McKinley County Public School District. Our school district is located in western New Mexico and borders the Navajo Indian Reservation. The school district covers an estimated 5,000 square miles, serving 27 schools and over 12,000 students, approximately 8,000 are Indian students, the largest number of Indian students served by any single public school district in the United States.

The Gallup-McKinley County Public School District is concerned by the proposed transfer of B.I.A. schools to tribes or local governments because such a proposal could impact our student enrollment by as many as 5 or 6 thousand additional pupils. Information available to us shows that approximately 4,000 students attend one of 16 B.I.A. schools within our district boundaries. An additional 2,500 students attend a B.I.A. school in New Mexico or Arizona near our school district.

Unless such a proposed transfer of students is well planned, the results could mean severe management and funding problems for school districts such as ours.

The Gallup-McKinley County Public School District would like to suggest that the following steps be given consideration before approval is given to a plan to transfer B.I.A. students to public or tribal governed schools.

1. A long-range, concise, and phase-in plan must be developed.
2. The New Mexico State Department of Education, Tribes, Pueblos, and local public school districts must be involved in the development of the transition plan with B.I.A. officials.

3. The plan must be publicized and disseminated so that all concerned entities have a complete understanding of the plan and the roles they play in the plan.

4. Attention must be given to funding issues pertaining to the transition.

   a. Anticipated needs for operating costs, program development, facilities and transportation need to be determined.

   b. Department of Interior (B.I.A.) transition funding should be provided for a minimum of 3 years on a forward funding basis to ease into the impact of additional students. We recommend that the amount be equal to the statewide average per pupil expenditures for the most current school year.

   c. PL-874 (Federal Impact Aid Funds) should continue to flow to the school districts with eligible student enrollment.

   d. PL-815 funds should be provided for new schools, new classroom additions, renovations, and improvements of existing facilities and for additional school owned housing for teachers in remote areas.

   e. Chapter I, Chapter II, Title IV, Johnson O'Malley, and EHA-B (94-142) categorical funds should be continued since those sources are for services over and above the operational and transitional funding needed for the shift.

   f. Provide additional transportation funds for the purchase, operation, and maintenance of buses beyond current routes.

   g. Provide funding for new construction, maintenance, and improvement of roads to the more isolated areas of the district.

5. Technical assistance should be provided to schools from the U.S. Office of Education and other federal educational research agencies to help implement the most effective instructional techniques as determined by current research dealing with Indian education.

ADMINISTRATION

PUEBLO DE ACOMA
"THE SKY CITY"
P O Box 309
ACOMITA, NEW MEXICO 87034
TELEPHONE (505) 552-6604

COUNCILMEN

September 3, 1987

Senator Daniel Inouye
Hart Building, SH-722
Washington, D.C. 20510

Dear Senator Inouye,

Submitted herewithin is a position statement expressing our concerns on the proposed transfer of Bureau of Indian Affairs Schools to tribe or local governments. Other comments by the Pueblo of Acoma is also entered.

We thank you in advance for the consideration you and your staff will have given our concerns.

Any questions that arise may be directed to Governor's Office here in Acoma.

Sincerely,

PUEBLO OF ACOMA

Stanley Paytiamo
Governor

DSicn

cc: Congressional Delegation
Gary Carruther, Governor of New Mexico
AIPC Chairperson
Regis Pecos, Office of Indian Affairs
Sid Mills, Area Director
Governor's Files
ATO Files

STATEMENT

ON

INDIAN EDUCATION

BUREAU OF INDIAN AFFAIRS SCHOOLS

BY THE PUEBLO OF ACOMA, NEW MEXICO

to

THE UNITED CONGRESS

JOINT ECONOMIC COMMITTEE

SUB-COMMITTEE ON EDUCATION AND HEALTH

Senator Jeff Bingamen, Presiding

Senator Daniel Inouye

Presented by

Stanley Paytiamo, Governor

September 3, 1987

BIA SCHOOL CONTRACTING

The Pueblo of Acoma in previous communication to the Secretary of the Interior and his Assistant, to members of our New Mexico Congressional Delegation, other members of Congress, the Area Bureau of Indian Affairs, and Southern Pueblos Agency of New Mexico, has expressed the willingness to participate in a demonstration project to contract its Acoma Community School on the Acoma Indian Reservation.

The Acoma Tribal Council, Tribal Administration and School Board have had several discussions on the issue. The basic idea of temporarily contracting the school is the consenus. This type of demonstration project would be most beneficial to all the parties and interest groups. This would show the advantages and perhaps some disadvantages. It would serve as an instrument to demonstrate and promote the feasible ideas associated with contracting.

We sincerely would like to be given the opportunity for our Acoma Sky City Community School, to participate in a demonstration project, to benefit our community and also encourage other Indian tribes to observe the ideas of the proposed transfer of Bureau of Indian Affairs schools to the Tribes.

TRANSFER OF BIA SCHOOLS TO LOCAL GOVERNMENTS

The Tribal Council, representing the people of Acoma oppose in its entirety, the concept of transfering our Sky City Community School to either State Control or County Control. The Pueblo of Acoma will not consider such an idea. In essence, this proposal is relative and supports the concept of Acoma relinquishing some of its soverign rights. We must therefore remind the United States Government of its trust responsibility and the legal responsibility to protect the native people of this land in a fiduciary manner.

ADEQUATE FUNDING

In the event contracting is forced on the Pueblo, we ask that multi-funding be made available. It would be an absolute necessity to have Congress provide adequate and direct funding. Perhaps a grant, other than P.L. 93-638 needs to be explored. This allows us to stay away from the 638 rules and regulations requirement.

COMMUNITY/SCHOOL HEALTH EDUCATION/MENTAL HEALTH

A major effort will have to be made to assure that students will receive comprehensive health education. This will require the cooperation of the school administrators, teachers, courses of study, the parents and the community. Lessons learned at school should reinforce the message and programs currently being introduced to the community. In a similar fashion community health efforts need to correlate with the principles being learned in the classroom. It is important that the school health education program be designed so as to be comprehensive and sequential. Teachers of Health Education must be specially trained and certified in the subject.

It is anticipated as students learn more about health protection and the basics of prevention, as adults they will be able to be supportive of more sophisticated health education community programs than those adults who have not had the same education. A major advantage of a school program is that is reaches every tribal member who is in school, for as long as they attend shcool, and at a time when students are impressionable and formulating life long habits and attitudes.

Mental health of Pueblo Indians cannot be viewed as the same as the traditional western mental health world which has very little or no understanding of the Indian world and the unique characteristics and personality structures of aboriginal people. Any discussion of mental health as it relates to Pueblo Indian people must take place in the context of the Pueblo peoples' history and in their strengths and culture. Being a native of this land identifies with Tribal entity. It identifies with a place, with the earth and having originated from the earth is positive for Indian people. Pueblo Indians have basic unique strengths. If it were not for these strengths, we would have disappeared into the melting pot of America.

Another important concern is health education on substance abuse and alcoholism. Alcoholism affects not just the alcoholics, but the entire Pueblo society and its close extended family structures. The whole nation is aware of the consequencies of alcohol and substance abuse, and statistics indicate the rates are higher amongst Native People.

Emphasis will be made in coordination with other facilities and established organizations to initiate innovative and creative alternates to education and awareness of this problem area.

We ask your support for any applications the Pueblo of Acoma and other Native People make in the effort to address the Mental Health Education in our schools. We will also support good legislation focusing on the health and mental health education for our children.

ADMINISTRATION
GOVERNOR
Stanley Paytiamo
FIRST LT. GOVERNOR
Ray Histia
SECOND LT. GOVERNOR
Forest Routzen
SECRETARY
Daniel Sanchez
INTERPRETER
David F. Garcia

PUEBLO DE ACOMA
"THE SKY CITY"
P O Box 309
ACOMITA NEW MEXICO 87034
TELEPHONE (505) 552-6604

COUNCILMEN
Alvin Lowden
Fernando Aragon
Augustine Seymour
Wilbur Bowyer
Francis Waatsa
Matthew Garcia
Alvin Juanico
Raymond Concho, Sr.
Joseph Chavez
James Garcia
Elmer L. Chino
Santiago Pasqualo

Pueblo of Acoma
Position Statement
on Current Formula Funding used for
FY-88 Community Services Block Grant P.L.97-35

The Pueblo of Acoma, Acting through Tribal Council, is very concerned about the continuous use of the 1980 Census formula funding for FY-88 Community Services Block Grant, P.L.97-35.

It has been brought to our attention that the Agency under the Development of Health and Human Services, Office of Community Services, Community Services Block Grant program has been utilizing the 1980 Census figures submitted by the State of New Mexico C.S.B.G. Program. The 1980 Census is understood by the Pueblo that it reflects and differentiates Acoma population figures by more than 40% of its growth rate It is unacceptable for Acoma Pueblo to accept these 1980 Census figures and will no longer authorize the State of New Mexico to submit to the Department of Health and Human Services, Washington, D.C. the 1980 Census figures as a means to formulate and determine funding share for Acoma Pueblo and all Pueblo and other Indian tribes of New Mexico.

The Pueblo of Acoma recommends to the All Indian Pueblo Council and all Pueblo Tribal Governors and Tribal Councils and Organization that acceptable substantially derrived and independently gathered population figures such as the Tribal Labor Force or

such documents be submitted to the State of New Mexico C.S.B.G. program therfore, increasing the allocation amount for all eligible Indian Tribes and Organizations of New Mexico. The Pueblo of Acoma further recommends and requests that AIPC work with the office of Indian Affairs to conduct necessary investigation of these unsound and inappropriate measures at the State level and to fully support this action by resolution as we will be forgoing to assure that equal distribution is made for Tribes of New Mexico.

Respectfully Submitted,

PUEBLO OF ACOMA

Stanley Paytiamo

THE NAVAJO NATION

PUEBLO PINTADO CHAPTER DISTRICT 15

HERBERT ANTONIO
PRESIDENT
FRANK CHEE WILLETTO
VICE-PRESIDENT
JOHNSON ANTONIO
SECRETARY-TREASURER

BILLY CHIQUITTO
COUNCILMAN

Honorable Senator Jeff Bingaman
Honorable Senator Daniel Inouye
Congress of the Unites States
Joint Economic Committee
Washington, D.C. 20510

Dear Senator Jeff Bingaman (D-NM):
Senator Daniel Inouye (D-HI):

The Pueblo Pintado School Board has some concerns which we feel need to be addressed. These concerns are listed as follows:

1. This Pueblo Pintado School Board strongly opposes Mr. Swimmer's proposal that BIA schools be transferred to the public systems. The network of rural roads in this area are in such poor condition as to be unsafe, even impassable, during inclement weather. To attempt to use them for daily transporting students would be unwise and unsafe. A number of attempts have been made by this school board as well as this community's Chapter House to seek assistance over the past seven or eight years on this area's road conditions,but we have received no help thus far, other than just temporary grading improvement for washed-out areas following wet weather.

2. Pueblo Pintado Community School must keep its dormitory open due to problems resulting from our isolation and the factors mentioned in #1 above as some of our students simply cannot be transported daily. Due to our lowered dormitory enrollment we now have unused space in our dorm. This school board submitted a plan last year for incorporating part of a high school program into our present program thus utilizing this dormitory space (see attachment). Although this would include only grades 9 and 10, it would partially alleviate the distance problem (due to our isolation) for our high school age student population who must travel some 4 to 5 hours each day to attend school. Though we have shown a clear need that our Navajo students have here at Pueblo Pintado and we have proposed a cost effective method to help resolve this problem, the BIA has rejected our proposal by telling us that no more program expansions are being allowed. Is this true? If so, why? This could be an immediate and effective partial solution to our problem.

3. On September 9, 1984, this Pueblo Pintado School Board submitted an application for a high school to be constructed in this area (copy attached). In our application we presented data relative to our isolation and its effect on our high school age students who wish to attend high school on a regular basis. Pueblo Pintado is approximately half way between Cuba and Crownpoint where public high schools are located (approximately 50 miles in either direction). This is, of course, the only logical location, geographically speaking, for such a high school. However, we do have a water problem at this location. A "Regional Water System Report for Pueblo Pintado and Ojo Encino Chapters" was completed in April, 1987, by the BIA Facilities Management. As stated in this report, the only constraint to resolving our water problem is funding for such a project. If we could obtain the funding for water and the construction of a high school, many hardships and much misery could be eliminated for Navajo students and their families in this area.

4. Finally, we would like to request a review of our school boundary predicament. We feel that recent Agency-level decisions circumvent the original purpose of BIA school boundaries. Problems would include, but not be limited to, the following: (a) School boundaries are meaningless when a parent can give a local address in another school area simply to have the child attend school in that area: (b) Where is the logic in allowing parents to "place" their child in a relative's home, located in another school's boundary, simply to allow the child to attend a dormitory in that area and never actually live in the relative's home; and (c) Indian parents have no choice in where their children will attend school even though 25 CFR clearly gives them this choice.

Frank Willetto, Chairman
Pueblo Pintado School Board

Herbert Antonio, Chapter President
Pueblo Pintado Community

cc: Honorable Thomas E. Atcitty, New Mexico House of Representatives
Mr. Peter MacDonald Chairman, The Navajo Nation
Mr. Ross O. Swimmer, Assistant Secretary of Indian Affairs, Department of the Interior

PUEBLO PINTADO COMMUNITY SCHOOL BOARD

RESOLUTION

WHEREAS:

1. On July 9, 1984, this Pueblo Pintado School Board presented a resolution (copy attached) requesting that a BIA High School be located here at Pueblo Pintado; and,

2. On September 20, 1984, an application (copy attached) was presented and accepted concerning same; and,

3. Both of the above documents clearly justify the need for secondary school services in this Pintado area; and,

4. While Pueblo Pintado might experience difficulties in an attempt to incorporate four additional grade levels (9-12) into our present facilities, we feel that a program expansion of grades 9 and 10 could be done easily. Our plan would be to utilize the new section of our building (this includes Home Economics, Shop, Science Lab, Library, and other classrooms) for a departmentalized ninth and tenth grades. Our sixth, seventh and eighth grades, which are presently self-contained, would be moved to the wings of our dormitory. Our dormitory enrollment is down to about one-half its enrollment capacity due to enrollment boundaries and this leaves some 1794 square feet of space available for our junior high classes. These junior high classes could still be scheduled into our shop and home economics classrooms; and,

5. New Mexico State Accreditation has been received by this school for the past four years. If allowed to expand into the 9th and 10th grade levels, state accreditation requirements would be met for these levels as well; and,

THEREFORE:

This is to request a ninth and tenth grade level expansion for Pueblo Pintado Community School and permission to pursue accreditation status for these additional grade levels with the New Mexico State Department of Education. Additional funding needed to cover basic costs of this program expansion amounts to $68,812 (Personnel - $15,953 x 4 plus 5,000 in supplies and materials) and this is to request this amount if we are granted permission for this program expansion effective school year 1987-88.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered and moved for adoption by John Mescal and seconded by Bert Mescal thoroughly discussed and adopted by a vote of 5 in favor 0 opposing that a duly -called meeting of the Pueblo Pintado School Board held on the 10th day of March, 1986.

Frank Lee Willetts
President, Pueblo Pintado
School Board

SCHOOL CONSTRUCTION APPLICATION

FOR

BUREAU OF INDIAN AFFAIRS AND PREVIOUSLY PRIVATE SCHOOLS

(A) Pueblo Pintado Boarding School
NAME OF APPLICANT SCHOOL

Star Route 2, Cuba, New Mexico 87013
ADDRESS

505-655-3343-41
TELEPHONE NO.

(B) Navajo Tribe
NAME OF TRIBE (s) WITH WHICH APPLICANT SCHOOL IS AFFILIATED OR SERVES

(C) Navajo Tribe
NAME OF TRIBE (s) DIRECTLY BENEFITING OR RECEIVING SERVICES

(D) TRIBAL RESOLUTION DOCUMENTATION

July 9, 1984
DATE OF RESOLUTION

IDENTIFICATION NUMBER IF ANY

COPY OF RESOLUTION ATTACHED: YES NO

(E) 09-20-84 — DATE APPLICATION SUBMITTED TO BUREAU
ENA — AGENCY
Navajo — AREA

(F) [signature] — SIGNATURE OF AUTHORIZED REPRESENTATIVE OF APPLICANT SCHOOL
9-20-84 — DATE

SIGNATURE OF BIA AREA DIRECTOR

DATE

SCHOOL CONSTRUCTION APPLICATION

Pueblo Pintado Boarding School	09-20-84
SCHOOL	DATE
K-8	
GRADES OFFERED	ADM OCT. 31
ENA	Navajo
LOCATION	BIA AREA

1. Describe the reason for application. Describe the reasons why students are considered unhoused.
Three elementary feeder schools are in this area with a combined enrollment of 703 students. Secondary students are "unhoused" since a one way bus route to either of the two nearest high schools (Cuba or Crownpoint) takes 2-2½ hours.

2. Describe school's attendance area. Give total school age population (5-18) in the area.
The attendance area would include Pueblo Pintado, Whitehorse, Torreon, Ojo Encino and Counselors. The total school age population (5-18) for this area would be approximately 968.

3. List all other schools in the attendance area and their distance from applicant school in miles and time.
Cuba High - 53 miles Highway Rt only 1 hour
Crownpoint High - 47 miles Highway Rt only 1 hour
School route from homes is 2-2½ hour one way.

4. Does the tribe support attendance in schools listed in No. 3? If no, explain.

They receive Federal money for each Indian Student attending.

5. In what public school district is applicant school located? Has the public school applied for P.L. 815 funds? If so, what is its ranking on the USOE priority list?

No Public School in our district

A. Does the public school have any plans for increasing its size on its own? If yes, when?

N/A

6. Describe the present education program that is offered. (Include grade levels, special programs, etc.)

K-7 Pueblo Pintado, K-6 Ojo Encino, and K-8 Torreon serves Grades K-8 with Special Education services being offered for grades K-8 and serving SLD-SI-EMH. These are self-contained classrooms with partial departmentalization at Torreon. We have a Foster Grandparent Program and also work with IHS-PHS and Tribal Programs.

7. What is the design enrollment of the present school?

DAY 445	DESIGN	ACTUAL	BOARDING 192	DESIGN	ACTUAL
Ojo Encino	75	123	Pueblo Pintado	192	
Torreon	300	372			
Pueblo Pintado	170	69	+		139
Total	445	564	Total	192	139

Total Enrolled 564 + 139 = 703

B. If any change is anticipated in the educational program or facilities needed to house it describe completely below.

No change is anticipated in the present educational program. Our request is for a high school to be built in this Pintado area due to the obvious need stated in this application.

If more space is needed, number the item and attach the additions to the application.

Pueblo Pintado School Board

RESOLUTION

JUL 13 1984

WHEREAS:

1. Pueblo Pintado is centrally located between two public high schools. Cuba High School is 53 miles east and Crownpoint High School is 47 miles west; and,
2. Presently, high school students is this area spend several hours each day traveling as much as 106 miles round trip to attend a high school; and,
3. Pueblo Pintado serves no less then seven communties resulting in availability of students; and,
4. Presently, high school students from the Pintado area who are not on established bus routes must board at Wingate, Aztec, or Huerfano Dorm in order to attend school. None of these are less than 100 miles distance.

THEREFORE:

The Pueblo Pintado School Board unanimously requests that consideration be given for a BIA High School to be located at Pueblo Pintado.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered and moved for adoption by Bert Mescal and seconded by Nelson Sandoval, thoroughly discussed and adopted by a vote of 7 in favor, 0 opposing that a duly-called meeting of the Pueblo ~~Pintado School Board~~ held on the 9th day of July, 1984.

Frank Chee Willetto
President, Pueblo Pintado
School Board

T E S T I M O N Y

on

Indian education
and the proposed transfer of
Bureau of Indian Affairs Schools
to tribes or local governments

before

the

Subcommittee on Education and Health
Joint Economic Committee
United States Congress

Senator Jeff Bingaman (D-NM), Presiding
Senator Daniel Inouye (D-HI)
and witnesses

by

Governor Verna Williamson
Pueblo of Isleta
Post Office Box 317
Isleta, New Mexico
87022

September 4, 1987
Santa Fe Indian School
1501 Cerrillos Road
Santa Fe, New Mexico

Office of the Governor

PUEBLO of ISLETA
P.O. Box 317
Isleta, New Mexico 87022

Telephone
(505) 869-3111
(505) 869-6333

TESTIMONY OF
VERNA J. WILLIAMSON, GOVERNOR
BEFORE THE
SUBCOMMITTEE ON EDUCATION AND HEALTH
SEPTEMBER 4, 1987

Mr. Chairman and members of the Subcommittee on Education and Health, my name is Verna J. Williamson, I am the Governor of the Pueblo of Isleta. I thank you for allowing me the opportunity to present the concerns that would effect the Bureau of Indian Affairs - Isleta Elementary, Parents, teachers, administrators, and community members who oppose the proposed initiatives to transfer responsibility of administering the school and its students to tribal or local government authority.

The Pueblo of Isleta, through its tribal governing body wishes to submit testimony to the Unites States Congress, Joint Economic Committee, Subcommittee on Education and Health regarding the proposed contracting of Indian Education to state operated schools, or to the tribes directly. The Pueblo of Isleta joins the tribes of New Mexico in vehemently opposing the transfer of education to state-operated schools or to the tribes directly. We support the continuance of Bureau of Indian Affairs (BIA) operated schools for reasons which will be specified throughout this statement. We also wish to provide some recommendations for the continued enhancement of education to our children by the Bureau of Indian Affairs.

Isleta Pueblo has historically believed that education to Indian children is a trust responsibility of the Federal Government to all tribes. As such, it has relied on the Bureau of Indian Affairs to provide children with the quality of education that will allow them to successfully compete in society. However, we strongly recommend that the Federal Government provide adequate funding or preferrably, increase funding in order to allow the Bureau Schools equal parity with the Public School System. Programs which will adequately address the needs of children who have special needs such as gifted and learning impaired children need to have strengthened to assure that those children are provided with the opportunity to maximize their potential for growth.

Additionally, the bureau schools must develop curriculum which will assure children in bureau schools that they will not be disadvantaged when transferring to public schools.

Despite the needs that exist in bureau operated schools, the tribe feels that those needs can be addressed through other sources from within the Bureau, with strong input from the tribe.

With little or no communication with the tribes, the Bureau of Indian Affairs has initiated a serious educational move with no consideration for the status of our infrastructure. The contracting of bureau schools requires that the tribe has a governmental structure which can manage and handle the takeover of an educational system. For many tribes,

of which Isleta is one, such a takeover is not possible at the present time. Without the tribal infrastructure to absorb the many responsibilities of running a school, tribal contracting is not a realistic option. This infrastructure must be developed before the tribe can contract a bureau school with any hope of success. Tribes must be given preparation for contracting. The development of tribal infrastructure requires time, money, and a transition period.

The tribes have not been reassured that adequate funding will be provided should they decide to contract a bureau school. What funding formula would be utilized? Will other Indian programs suffer to cover contracting costs? Will the funding continue indefinitely? Will funding increase as needed? These are but a few of the unanswered questions which haunt us in considering the financial issues of contracting with the tribe.

Another concern is for the maintenance of school property. Should this responsibility be shifted to the tribe, it would require that the tribe be equipped to handle this both administratively and financially.

Of great concern to the Pueblo is the ability to maintain quality personnel in the pursuit of academic quality and excellence. This is also a matter of adequate funding. Will the tribe be able to increase its' funding to assure that we will be able to maintain a certain level of academic quality.

The Pueblo of Isleta urges you to bear in mind that the needs of all tribes are not the same. Some tribes have greator resources than others.

Regarding state contracting, the Pueblo is very opposed to this primarily because of the potential for loss of tribal control over the education of our children. The general unresponsiveness to the unique needs of our children by the state is another factor which keeps us from supporting the notion of contracting with the state public school system. We question the state's committment to the tailoring of an educational curriculum to the unique educational goals of the Isleta people.

If the State is funded by the Federal Government, the tribe will have a two-tier system to work with. The state, in terms of accountability for use of those funds and the Federal Government for increase and maintenance of funds. We are not presently situated for many of the aforementioned reasons, to accept this type of funding situation.

In conclusion, the Pueblo of Isleta strongly supports continued bureau control of our educational system. The Federal Government must make funding available in adequate amounts to insure the quality education required by our children.

Office of the Governor

PUEBLO of ISLETA

P.O. Box 317
Isleta, New Mexico 87022

Telephone
(505) 869-3111
(505) 869-6333

R E S O L U T I O N

87-33

At a duly called meeting of the Isleta Tribal Council, held and convened in the Pueblo of Isleta on the 31st of August 1987, the following resolution was adopted.

WHEREAS, the United States Department of Interior, Bureau of Indian Affairs (BIA), through its 1988 budget initiatives seeks to contract with state operated schools or to tribes directly, and

WHEREAS, The BIA has established procedures in dealing with tribes in matters of importance, such as education; and

WHEREAS, the Secretary of Interior did not provide for adequate consultation with tribes in order to allow for a full and complete understanding and apprisal of this education initiative;

WHEREAS, the issues raised by this education initiative are many and unanswered.

NOW, THEREFORE BE IT RESOLVED, that the Pueblo of Isleta adamantly opposes the entire idea of contracting for educational needs of its children as it violates the principals of consultation and committment which the BIA has.

BE IT FURTHER RESOLVED, that the Pueblo of Isleta will join other tribes in opposing this education initiative or any other proposed initiative which threatens to violate the government to government relationship with the federal government and ultimately the tribes' right to self determination.

RESOLUTION 87-33
August 31, 1987
Page 2

C E R T I F I C A T I O N

I, the undersigned, as Governor of the Pueblo of Isleta hereby certify that the foregoing resolution was duly adopted on the 31st of August 1987 by the Isleta Tribal Council with a vote of 10 in favor and 0 opposing said resolution.

Verna J. Williamson, Governor
Pueblo of Isleta

ATTEST:

Jose A. Sangre, Secretary
Isleta Tribal Council

Juan B. Abeita, President
Isleta Tribal Council

SAN JUAN SCHOOL DISTRICT

September 10, 1987

SCHOOL BOARD
SUNNY REDD
PRESIDENT
GAIL GLOVER
VICE PRESIDENT
PRESTON NIELSON
BILL TODACHENNIE
VERGIL BEGONI

HAL M. JENSEN
SUPERINTENDENT

The Honorable Jeff Bingaman
The United States Senate
Joint Economic Committee
Congress of the United States
Washington, D. C. 20510

Dear Senator Bingaman:

As Superintendent of the San Juan School District I wish to comment on the issue of the continuation of the BIA schools. The San Juan School District is located in Southeastern Utah. A portion of the Navajo Indian Reservation is in this school district and we operate five schools on the Reservation. We also operate seven other schools. — Approximately 48% of our students are Navajo. I feel we are quite successful in our efforts to education the Navajo students.

I have four concerns about the BIA schools and their relationship with the public schools:

1. In our area there seems to be competition for students between BIA and public schools. THe BIA schools will recruit for students by radio, and announcements in public meetings. Students presently enrolled in our schools decide to go to BIA schools. We are left with smaller enrollments and teachers under contract with fewer studwents to teach. We also have duplication of effort in that BIA schools run buses on the same roads our public schools buses are running. BIA schools should not compete with the ability of the public schools to educate the students.

2. It is an education disservice to students when they are permitted to transfer from the public school to the BIA school and back again during a school year. The problem of the transitory student is a serious issue everywhere in Society today. It is a major issue with Indian children who transfer back and forth between BIA and public schools. The students never receive the best instruction because of the loss of continuity and a fragmented curriculum.

3. In my analysis of the student achievement scores of those educated in BIA vs those educated in the public schools, I generally reached the conclusion that the students receive a better education in the public schools. Students who begin

17 NORTH FIRST EAST • POST OFFICE BOX 219 • MONTICELLO, UTAH 84535 • PHONE (801) 587-2254

in one system and stay in that educational system show better achevement than those who transfer back and forth.

4. There is some evidence to suggest that students who are raised in a dormatory boarding school situation do not develop into strong parents and family members. They lack a role model of proper parent responsibilities and tend to become problems for social workers because of poor parenting skills.

I feel the public schools could probably absorb the BIA schools and could operate them in an efficient and economical manner while providing equal or better instruction. At the very least, the BIA schools should be constrained in their recruiting and bussing of students. The dual transportation is a ludicrous example of waste of tax money.

I would hope the issue is reviewed with a long-term, economical, and educational solution in mind and not decided on political expediency.

Sincerely,

Hal M. Jensen
Superintendent

HMJ:cc

MONTEZUMA CREEK ELEMENTARY SCHOOL
P.O. Box 100
Montezuma Creek, Utah 84534
(801) 651-3425
Farina S. McCarthy, Principal

1987 SEP 15 [illegible] 9:05

September 11, 1987

Senator Jeff Bingaman
Joint Economic Committee
Washington, D.C. 20510

Dear Senator Bingaman:

My name is Farina McCarthy. I am a Principal of a public elementary school in Montezuma Creek, Utah. Our school is situated on the Navajo Indian Reservation.

Last week I attended the Open Hearing held in Santa Fe, New Mexico. I am deeply concerned about the quality of education that is available to all children, but especially those children whom I serve.

While I do not wish to be critical of the efforts made in the B.I.A. schools, I am often totally frustrated with the competition and inconsistencies of curriculum, and lack of cooperation that exists between most B.I.A. and public schools on the reservation.

Navajo children in our school district (San Juan, Utah) are particularly mobile. They have the availability of three B.I.A. boarding schools . It is not uncommon for children to move back and forth at least three times during their grade school years.

We, in our school, are working particularly hard to get our children on grade level. Last year's CTBS scores showed rapid and great increases in student achievement over the previous three years.

Unfortunately, when children return to us from a boarding school, we find them to be way behind those children who have remained in our school. While statistics of Native American children show that they do not do as well in the public schools, too, I would like to remind the committee, they still do better.

It is a well known fact that schools throughout the nation are under close scrutiny, from the public as well as the government. I am not sure that this has applied to B.I.A. schools. Certainly, the "public" for those schools would be Native American people, not "public as it should be, all American people.

You and I know that public schools are now being held accountable. Surely we are then going to be accountable to all students, to achieve excellence.

I am for Native American children. I am for all children, regardless of race or creed. This great nation was founded on such a creed. Please. let's make sure we make right decisions to see that all children get the right to have equal opportunity to get the best possible education.

Yours very truly,

Farina D. McCarthy

Farina McCarthy, Principal

FM/rp

cc: Congressman Howard Nielson, Moab Utah

P.O. Box 1225
Taos,
New Mexico 87571

September 11, 1987

Honorable Jeff Bingaman
United States Senate
502 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Bingaman,

Thank you for the invitation to attend the hearing last Friday. Permit me to summarize my reaction, both to you, and for the record.

A/ The "Santa Fe consensus" confirmed Secretary Swimmer's premise. The BIA does a mediocre to poor job of educating Indian children.
B/ Tribal leaders delay or refuse participation in self-determination because of three frightening aspects;
1. Fear of lack of sufficient and enduring revenue,
2. Lack of necessary skills and competent personnel, and
3. Fear of failure that would destroy one's political stature.
C/ Turning to Public Schools is the least desirable choice due to;
1. Loss of control,
2. Discrimination, and
3. Excessive travel in many cases.
D/ The Navajo Nation will always address their specific agenda first! For example, "Fix the roads" was heard repeatedly. They never join in any unified effort ahead of their priorities.

Even if the "seat of decision making" were in Anadarko, Oklahoma or in Window Rock, Arizona; Swimmer's proposal would have scant chance. Due to it coming out of Washington, it's doomed immediately and irreparably. Regrettably, the "bottom line" is that Public Laws 93-638 and 95-561 merely perpetuate the problem but from a slightly different perspective. There is still "Indian preference" and the resulting "welfare with dignity" guarenteed by it. Reshuffling the same personnel in no way solves the educational deficiencies or changes the average product. Simply, it's the entire process that must change drastically, not be merely patched up.

Two glaring misstatements last Friday require correction. "All Northern Pueblos Agency schools are accredited." - Melvin Martinez. Santa Clara Day School is state accredited, the other four have been in various stages of the attempt with North Central Accreditation. Largely due to physical plant insufficiencies, most won't succeed.

"5,000 special education students were included in the BIA's test scores." - Carmen Taylor. The definition of "special education" in the BIA is skewed and is a misnomer. It includes almost without distinction, abused, emotionally disturbed, etc. children not necessarily academically deprived. The true "special education" children who do take the CTBS test take one that is a minimum of two grade levels lower than they are in actual fact.

Sincerely,

Roy French

AN ASSESSMENT OF THE IHS OTITIS MEDIA PROGRAM

FY 1977 - FY 1986

J.L. Stewart, Ph.D.
Chief, Sensory Disabilities Program
Headquarters West
Albuquerque, NM

September, 1987

INTRODUCTION

In recent years, conflicting information on the extent and severity of otitis media (OM) in the American Indian and Alaska Native population has emanated from various levels of the Indian Health Service. The variability of these reports has ranged from such "clinical observations" as "otitis media is no longer a significant problem and is under control" to statistical reports (such as "Summary of Leading Causes for Outpatient Visits, IHS Facilities, FY 1986") which indicate an astronomical rise in the incidence of OM rates over the past several years.

This report was initially conceived of as a portion of a larger activity dealing with the issue of OM prevention. In the early stages of data collection and appraisal it became clear that such a narrow view was too limiting and it evolved into a ten year assessment of the progress of the overall program as reflected in patient clinical records.

METHODOLOGY

The selection of the individual years to be analyzed was based upon (1) the availability of records ten years apart that would (a) present a baseline of program activities once all participating Areas had their own programs in place and (b) would also include complete patient care data from the most recent fiscal year available.

Complete unduplicated patient care records pertaining to acute OM (AOM) and chronic OM (COM) were provided by the Data Processing Service Center for the years in question. These provided the basic data upon which the report is based. Supplementary information has been taken from previous OM annual reports.

Limitations:

1. It has long been asserted that the APC and PCIS systems have a large margin of error, particulalry in OM reporting. It has been assumed that this error was of even greater magnitude during the early days of the program due to inconsistent criteria and insufficient training of providers in following the criteria. Indirect measures of assessing this assumption were employed to determine its validity: internal consistency in reporting over time, consistency in COM/AOM ratios over time, and trend analysis of disease between the two fiscal years being studied.
2. Due to patient mobility within an Area, the caution was expressed that an unknown, and presumed small, number of patients might be counted twice. The unduplicated patient list is felt to minimize this possibility; additionally, the large samples dealt with would be minimally affected, if at all, by a few duplicated patients records.
3. The implementation of the PCIS system by Alaska and Billings resulted in a significant error in scoring AOM vs COM. This error has been corrected recently (see FY 86 Summary Report referred to above). Since no accurate system exists by which to correct the error in the FY 77 data, total OM visits were combined and those data treated separately. (APC data were consistent with other Areas in 1977, however).

4. The changing definitions of OM, particularly COM, is a recurring problem in IHS record keeping. At the time of the inception of the Program, COM was defined on the basis of a perforation. More recently, the ENT community has come up with a more elaborate definition based upon time between the diagnosis of COM as "persistent beyond the expected course" defined as beginning at the ninth week after onset. From the records available, it appears that most of the COM diagnoses in IHS over the years have been based upon a relatively consistent time basis.

5. Neither Nashville nor Tucson are covered in this report as no OM programs were in place there during both FY 77 and FY 88. The California Area has never had an otitis media program.

AREA BY AREA ANALYSES

ABERDEEN:

Data from both years reported on were taken from records of patients at the following Service Units: Rapid City, Cheyenne River, Fort Belnap, Fort Totten, Pierre, Pine Ridge, Rosebud, Sisseton-Wahpeton, Standing Rock, Turtle Mountain, Omaha-Winnebago, and Yankton.

FY 77

In FY 77 the program was funded at $343,000 with three full time positions, for an audiologist, a physician's assistant, and a secretary. The emphasis of the program was upon audiologic and surgical services. During the year 56 CHRs and others were trained in impedance and audiometric screening while the program concentrated on followup, ENT clinics at the Service Units, and hearing aid selection and dispensing.

The highest reported AOM rates at this time were at Fort Totten (22.3%) and Sisseton-Wahpeton (24%); the lowest at Rosebud (9.4%). The highest reported COM rates were Omaha-Winnebago (1.6%) and Sisseton-Wahpeton (1.5%) with the lowest rate at Turtle Mountain (.36%). The overall Area rate of 13.7% for AOM is moderately low and, if accurate, the COM rate (.88%) would be approximately the same as for the non-Indian population. Support for these findings comes from an epidemiologic study conducted at about the same time by the University of Utah, which used Sisseton as one of its test sites. The results of that survey, using audiometric and otologic procedures, indicated a perforation rate of 2.5%, one percent higher than reported on the APC, but survey data would be expected to be higher than those collected when a given patient seeks a service for his problem. This was also seen in the determination of overall ear problems in the survey where 16.7% of those surveyed were found to fit this category. The 1:14 COM/AOM ratio would tend to indicate either a lower than expected COM rate or that COM was underreported.

FY 86

In FY 86, the program was funded at $ with one full time position, that of the physician assistant. Audiologic services are provided by contract and clerical support is shared with other programs in Aberdeen and Rapid City, where the program director is based.

Since the HQ West training activities were discontinued, no additional persons have been trained for screening and related services.

In FY 86, both AOM and COM were found to have increased dramatically. Rapid City (43.6%), Turtle Mountain (34%) and Omaha-Winnebago (34%) reported the highest number of AOM patients with Pierre (2.9%), Omaha-Winnebago (2.7), Yankton (2.4%) and Sisseton-Wahpeton (2.3%) recording the highest COM rates. Overall rates for the Area for AOM averaged 24.6 and for COM, 2.1. The COM:AOM ratio of 1:12 is closer to the overall ratio throughout IHS.

Between 1977 and 1986, the population in Aberdeen Area increased by 38%. AOM increased by 146% and COM by 225%.

ALASKA:

Data from both years reported were taken from records of patients at the following facilities: Anchorage, Barrow, Yukon-Kuskokwim, Kotzebue, and Mt. Edgecumbe. As noted elsewhere, an error in the PCIS reporting system required that AOM and COM data be combined. It should be noted, however, that for FY 77, when Alaska was still on the APC system, the data obtained on acute and chronic disease was consistent with that from other Areas in IHS. Other comparisons with other Areas are also lacking in that the program in Alaska was Congressionally mandated and separately funded. The positions established, and the fiscal support, were to "back-fill" existing activities which had been undertaken by the Area with its own resources. Most of the positions were earmarked for ongoing clinical and support activities so that they could not be tracked as "otitis media" positions in the usual sense.

FY 77

In FY 77, the program was funded at $515,000 and 32 positions. The focus of the program was primarily ENT and audiology, based at the Alaska Native Medical Center, with ENT/Audiology clinics scheduled throughout the Area on a regular basis. Screening and referral services were provided by the State Board of Health.

Barrow reported the highest disease rate with 27.3% of the population being seen. Anchorage (12.1%) and Yukon-Kuskokwim (12.9%) recorded the lowest rates. The overall Area rate for this year was 15.2%.

FY 86

In FY 86 the funds and positions could not readily be tracked due to the nature of the program and the loss of line item designation. It is assumed that the same 32 positions were still being funded at this time. Direct ENT/Otitis Media professional staff consisted of three otolaryngologists and two audiologists. The cooperative activities with the State are continuing to this day.

The same facilities were analyzed as for FY 77 with the addition of Annette Island which reported 107% of the population being seen for ear disease during that year. The combination of AOM and COM, where a patient may be seen for each condition, accounts for this apparent impossibility. Mt. Edgecumbe (13.5%) and Kotzebue (23.4%) reported the lowest disease rates for this year.

The Alaska Area service population increased by 14% between 1977 and 1986. Otitis media increased by 125% during this time period.

ALBUQUERQUE:

Data from FY 77 were obtained from records of Albuquerque, Mescalero, Santa Fe, and Zuni-Ramah facilities; no data were available from Southern Colorado. Data for 1986 included Southern Colorado and Acoma-Laguna-Canoncito.

FY 77

In FY 77 the program was funded at $218,300 and no positions. Services to all facilities except Zuni-Ramah (which operated under a 638 contract) were provided by contract with a private organization and included screening, referral, and hearing aid dispensing. All ENT services were provided for separately.

The highest reported AOM rates at this time came from Mescalero (21.5%) and Zuni-Ramah (20.7%). Santa Fe reported the lowest rate, 9.7%. Except for Mescalero, where the rate was 2.9%, the COM rate was lower than for the non-Indian population at Albuquerque (.33) and Santa Fe (.5) with Zuni-Ramah (.8) being approximately the same as for the non-Indian population. The overall Area rates were 12.8% for AOM and .59% for COM. The COM/AOM ratio of approximately 1:24 is excessive and would indicate a marked underreporting of COM.

FY 86

In FY 86 the program was funded at approximately $325,000 (no positions) and operated by three 638 contracts--All Indian Pueblo Council, Albuquerque Health Board, and Pueblo of Zuni. In addition to the services previously supplied, each contractor also has, to varying degrees, speech and language components as well.

In FY 86, Southern Colorado showed the highest rate of AOM (38%) with COM at 3.4%. The lowest AOM rate was 19.5% at Albuqueque and the lowest COM (1.2) at A-C-L.

The overall Area AOM rate was 23.7% with COM 2.2%. The COM/AOM ratio of 1:12 is more in line with the expected rates.

The Albuquerque Area service population increased by 23% between 1977 and 1986. The AOM rate increased by 128% and COM by 358%, much of the latter increase probably due to better reporting.

BEMIDJI:

Data from both years reported on were taken from records of patients at the following Service Units: Leech Lake, Red Lake, and White Earth.

FY 77

In FY 77 the program was funded at $136,000 and two positions. The emphasis of the program was hospital-based audiology services largely under contract except for Minnesota.

The highest reported AOM rate was at Leech Lake (29%) followed by Red Lake (20.9%) and White Earth (11.6%). COM rates were reported to be extremely low: Leech Lake (.6), Red Lake (.9) and White Earth (.6) indicative, along with the COM/AOM ratio of 1:20, that COM was underreported.

The overall rate for AOM was 20.7%, for COM, .7%.

FY 86

In FY 86 the program was funded at and two positions, one of which is a shared secretary. The original scope of the program has been continued.

...In FY 86, Red Lake reported the highest AOM rate, 52% (COM was 4.4%) followed by Leech Lake at 30.5 (COM 3%) and White EArth with 18.8% (COM 2.7%). The overall rate was 36% for AOM and 3.3% for COM. The COM/AOM ratio of 1:10 is what would be normally expected.

The Bemidji Area service population as defined here increased 33% between 1977 and 1986. AOM increased 134% and COM 499%, the latter increase believed to be largely attributable to better diagnoses.

BILLINGS:

Data from both years reported were taken from records of patients at the following Service Units: Browning, Crow, Fort Belnap, Fort Peck, Northern Cheyenne, Wind River, and Rocky Boy's.

FY 77

In FY 77 the program was funded at $329,000 and four positions. The emphasis of the program was on audiologic and surgical services, the latter being conducted by contractors largely at PHS facilities.

During this year 49 persons were trained in otitis media activities. The program did not operate its own screening program and was largely hospital based.

As with the Alaska Area, data for AOM and COM are combined in this report. In FY 77, Fort Belnap reported the highest disease rates at 39% followed by Wind River (31.5%) with Rocky Boy's having the least OM (6.4%).

FY 86

In FY 86, the focus of the program had broadened to include activities with the MCH program concerned with handicapped children, oro-facial anomalies, etc. The program was still staffed by four employees, augmented by contract audiologists. The current budget of $432,000 is a reflection of the Area committement to the program.

During this year a marked increase in disease was noted to have occurred with Northern Cheyenne reporting 70%, Wind River 58%, Browning 50.5%, Fort Belnap 49%, Fort Peck 46%, Rocky Boy's 29.5%, and Crow 27.3%. No reason for these dramatic increases is evident.

Between 1977 and 1986 the Area service population increased by 19% while the OM rate increased 154%.

NAVAJO:

Data from both years reported were taken from patient records at the following Service Units: Chinle, Crownpoint, Fort Defiance, Gallup, Kayenta, Shiprock, Tuba City and Winslow.

FY 77

In FY 77 the program was staffed by 12 persons including two audiologists, four audiometric-otologic technicians, operating room and support staff. The program was budgeted at $708,600.

The program provided comprehensive services from field screening (audiometric & otologic), ENT clinics at the various Service Units, in-house and contractual surgery, and hearing aid dispensing. During the year 50 people received training in program activities.

Disease rates were as follows: Tuba City, AOM 52.5% (COM 4.4%); Chinle, AOM 35.3% (COM 1%); Kayenta, AOM 26.8% (COM 2.6%); Fort Defiance, AOM 25% (COM 1.3%); Gallup AOM 16.5% (COM 1.6%); decreasing to Shiprock, AOM 8.4% (COM .7%).

The overall rates for Navajo were AOM 26.4%, COM 2.2% with a reasonable ratio of COM/AOM 1:12.

FY 86

In FY 86, the Navajo program was staffed by two otolaryngologists during part of the year (one of which was a position added when the program was fully staffed), one audiologist, and two technicians--one at Gallup and one at Tuba City. The budget for staff directly working on the program was $157,000 with an additional $40,000 for hearing aids.

Program activities during FY 86 were markedly curtailed from FY 77. Except for western Navajo, Service Unit ENT clinics were essentially non-existent, the screening program had been terminated several years previously, and OR time at GIMC was very limited. Audiometric services at Tuba City were provided by the technician there. The GIMC program was essentially a surgical program augmented by audiometric services within the hospital. The hearing aid dispensing program showed the least impact from the various cut-backs, in funds as well as personnel.

Disease rates in FY 86 were as follows: Gallup, AOM 42% (COM 4.1%); Tuba City, AOM 40.5% (COM 3.3%); Kayenta, AOM 32.5% (3.5%); Chinle, AOM 27.4% (COM 11.8%); Shiprock AOM 23.9% (COM .95%) decreasing to Fort Defiance AOM 18.7% (COM .7%). The COM/AOM ratio of 1:14 would indicate COM being somewhat underreported.

The Navajo service population increased between 1977 and 1986 by 70%. The AOM rate increased by 83% and the COM rate increased by 56%.

OKLAHOMA:

Data from these two years were obtained from records at Claremore, Clinton, Kansas, Lawton, Pawnee, Shawnee, Tahlequah, and (FY 86 only) Ada Service Units.

FY 77

In FY 77 the program was budgeted for $336,000 and three positions. Audiometric technicians throughout Oklahoma were supported under tribal contracts. Audiometric services were provided the Service Units on a rotating basis. Hearing aid distribution was a major portion of the program.

In FY 77 the highest disease rate was at Kansas (14.2% AOM, 2.7% COM) with Claremore (AOM 3.3%, COM .3%) and Shawnee (3% AOM, .2% COM) showing the least disease, the latter rates for COM being substantially lower than for the non-Indian population (est'd. .8%).

The overall Area rates were AOM, 5.9% and COM, .6% for a ratio of COM/AOM 1:12, approximately what would be expected.

FY 86

Oklahoma is one of the few Areas which has shown limited program growth since the line-item designation was terminated. The staff now includes the Area Audiologist (who also works clinically), an administrative assistant and, at various Service Units, two full time audiologists, one temporary full time audiologist, one part time-intermittent audiologist. Funding for the program is reported as "the same as 1980", which was $390,500. Termination of the tribal contracts several years ago has drastically reduced screening activities. Hearing aid dispensing is a major activity of the program.

Disease rates in FY 86 were 25% AOM at Kansas (COM 2.4%), 24.8% AOM at Lawton (COM 2.7%), decreasing to 5.6% AOM at Shawnee (COM .5%). The overall Area rates were 11.5% for AOM and 1.1% for COM for a ratio of COM/AOM of 1:11.

Between 1977 and 1986 the Area service population increased by 51%. The AOM rate increased by 195% and the COM rate by 159%.

PHOENIX:

FY 77

Data for both years from Phoenix was obtained from records at the following Service Units: Uintah-Ouray, Keams Canon, Owyhee, Colorado River, Phoenix, Sacaton, San Carlos, Schurz, White River, and Fort Yuma.

In FY 77 the Phoenix program had 2 positions, plus the previously established ENT service at PIMC, and was budgeted at $354,600. The program was primarily based at PIMC and was conducted through a combination of IHS, contract, and other Federal programs, the latter the Oak Knolls Naval Medical Center involvement in screening, treatment, surgery, and hearing aids.

Disease rates ranged from 33% AOM at Keams Canon (COM, 7%) to the lowest rate in IHS, Schurz, with 2.9% AOM and .2% COM. This COM rate is identical with the perforation rate found at Owyhee in 1976 by the University of Utah team conducting the epidemiologic study referred to earlier in this report and is one of the lowest rates anywhere in the literature from around the world. (The Owyhee data in FY 77 shows 7.6% AOM, .4% COM). The overall AOM rate for the Area was 15% and 1% for COM. The COM/AOM ratio of 1:15 probably reflects an underreporting of COM.

FY 86

In FY 86 the program was essentially a PIMC-based service with outreach to the various Service Units. Both ENT positions were vacant and the audiologist worked less than full-time. The addition of a PNP with training and experience in ENT allowed the program to operate a medical as well as audiologic component with surgery being provided under contract. The budget of $407,500 at the time the line-item designation was terminated was reduced to approximately $160,000 in FY 86, not including ENT contract fees.

Data from FY 86 show Keams Canon with the highest AOM rate, 59% (3.4% COM), followed by White River (51% and 5.6%), declining to 16.6% AOM at Owyhee (COM, 1.4%) and Schurz with 4.4% AOM, .3% COM. The overall AOM rate for the Area was 26%, and for COM,,3%. The COM/AOM ratio of 1:9 is acceptable.

The population increase in the Phoenix service area between the two years was 25%. AOM increased by 121% and COM by 264%.

PORTLAND:

Data from both years reported on were taken from records of patients at the following Service Units: Colville, Fort Hall, Northern Idaho, Warm Springs, Yakima, Umatilla, Tahola, Neah Bay, NW Washington, and Welpinit.

FY 77

In 1977 the program at Portland was budgeted at $176,000 with no positions. Otitis media funds from the inception of the program in Portland were incorporated into the MCH program and largely consisted of ear examinations during well baby clinics, otitis media surveillance where appropriate, and some audiologic services (including hearing aid fittings) by contract.

The highest AOM rates were found at NW Washington with 33.9% (COM, 1%), Warm Springs with 28.5% (COM, 1%), declining to 10% at Tahola (COM, 2%). The overall Area rates were 22.5% for AOM, 1% for COM. The COM/AOM ratio of 1:22 is clear evidence of gross underreporting of COM.

FY 86

In FY 86, the program was staffed by one audiologist based at Puget Sound with a budget of approximately $90,000, down from $218,000 the last year the program was a line-item.

Audiologic services are provided throughout the Area on a limited basis with hearing aid selection being a major focus of the services.

In FY 86 the disease rates ranged from a high of 31.3% AOM at Welpinit (COM, 1.9%) to 10.7% at Tahola (COM, 4.5%). The overall Area rate was 20% AOM and 2.5% COM. The COM/AOM ratio of 1:8 is slightly suggestive of an overreporting of COM.

The Area service population grew 79% between 1977 and 1986, the AOM rate increased by 59% and the COM rate by 392%.

CONCLUSIONS

A number of conclusions may be drawn from the data presented and from anecdotal information received from the Area site visits:

1. The prevalent assumption that otitis media rates are under control is not supported by the results of this study. In addition to the Area-by-Area analyses, the data from the total service population upon which this report is based indicates that the population increase between 1977 and 1986 was 26%. The combined otitis media rate, based on hospital visits by individual patients is up 118%. Excluding Alaska and Billings from the computations the AOM rate has increased 110% and the COM rate 162%.
2. From the data available, it was not possible to ascertain whether or not the anecdotal information that OM is less severe now than in the past is correct. Nor is it possible to determine with accuracy whether or not substantial numbers of patients with non-suppurative middle ear effusions are being classified as AOM.
3. Based upon the COM/AOM ratios, it may be concluded that there is more consistency and accuracy in diagnosing COM than in the past and that earlier reports vastly underestimated the prevalence of this condition.
4. Based upon these results, it is clear that prevention efforts have not been measurably effective against these conditions and that much more attention needs to be paid to this aspect of our health care system. Measures of program effectiveness, based upon comparing Areas which have maintained a high level of OM program operation with those where the program has clearly been allowed to deteriorate, are not adequate for assessment needs.
5. It is not possible to determine the reasons for the marked increase in OM over the years in question. The initial year was selected in part since it represented a time when the OM Program was at its peak. Whether or not the reduction of support for the program, beginning in 1980-81, has played a significant role in this regard can only be speculated upon.

TESTIMONY
OF THE
SOUTHWEST INDIAN YOUTH DEVELOPMENT ASSOCIATION, INC.

PREPARED FOR THE

HEARINGS
AT THE
SANTA FE INDIAN SCHOOL, SANTA FE, NEW MEXICO

SEPTEMBER 4, 1987

SUBMITTED
BY

SOUTHWEST INDIAN YOUTH DEVELOPMENT ASSOCIATION, INC.
P.O. BOX 339
CHINLE, ARIZONA 86503

TESTIMONY

OF THE

SOUTHWEST INDIAN YOUTH DEVELOPMENT ASSOCIATION, INC.

The Southwest Indian Youth Development Association, Inc. (SIYDA) is a totally Navajo-owned and operated non-profit corporation established for the purpose of providing educational, counseling, and related services to at-risk Navajo youth. The membership of the corporation is composed primarily of young Navajo professionals with a common interest in developing pprograms aimed at preventing and intervening in the numerous types of academic, social, familial, legal, emotional and substance-abuse-related problems they themselves faced at the junior and senior high school age level.

By its very nature, SIYDA is concerned with the implications and potential impact of the so-called "Swimmer initiative". At a time when the BIA's own figures indicate a growing and unparalleled crisis in Indian education in terms of school dropout rates, school-age population growth, and the dwindling availability of classrooom and residential space within the Navajo Nation, the BIA is proposing to essentially abdicate all responsibility for Indian education other than financial. Based on past experience, we can only wonder how long it would be before the Bureau would attempt to completely relieve itself of even that responsibility as well.

Mr. Swimmer obviously feels [illegible] *can effectively handle the federal government's trust responsibility for Indian education. Anyone but the BIA, that is. Were his initiative implemented to the extent of contracting Indian education programs out to organizations other than the Tribes or Tribal organizations themselves, there would soon be little reason to refer to such a thing as "Indian education" , as it would no longer exist. If ndian education were to be directly and immediately controlled by other than Tribes or Tribal organizations, the potential for totally ignoring the many unique factors which make Indian education truly "Indian" is frighteningly clear. None but the Indian people themselves are truly capable of appropriately and effectively developing and implementing genuinely Indian education programs. That can only happen when we ourselves are ready to do so, and there is no way to* [illegible] *that readiness. There are, however, ways to encourage and enable our people to become ready, and that is a job, at least in part, for the BIA.*

While we can agree with Mr. Swimmer that the BIA has done a

poor job of encouraging and enabling educational Self-Determination for our people, we cannot agree that the answer to the problem is to hand it to someone - literally anyone - else. In business and industry, in education, in other sectors of the government, and in virtually any other organization, system or institution we are aware of, the answer to a department which is doing its job poorly is to have the responsible administrator(s) analyze the situation, identify the problems, and then develop and implement solutions to those problems. If this cannot be accomplished by the administrator(s) on hand, generally new ones are found who can do the job. It is exceedingly rare that a top level administrator says, "My department isn't doing the job and it isn't likely to do the job, so lets give the job to someone else - it doesn't really matter to whom," and still keeps his or her own job.

SIYDA believes that it is Mr. Swimmer's job, and that of the BIA as well, to develop and implement creative and effective solutions to the many problems facing Indian education, and not to simply hand those problems to others. A good start in this direction would be to begin to conscientiously implement the provisions of P.L. 93-638 as they were intended by Congress, not as they have been consistently misconstrued by the Bureau.

Properly implemented, 638 would work rather well, we expect, and would bring about the sort of positive changes originally envisioned by Congress in terms of educational improvement and related gains in socio-economic development. But if 638 continues to be misused and misapplied by the BIA, it can only make matters worse. One potentially exceptionally harmful misapplication would be the implementation of the Swimmer initiative. To coerce Indian Tribes into contracting before they are ready is clearly not what is intended by 638, and for good reason. It is akin to forcing people to dive into a pool before they know how to swim, and the results would be equally disastrous, only on a much larger scale. Alternatively, to say, "Well, if you won't dive in, we'll just give the pool to someone else," means that the non-swimmers will never learn anyway.

However, while proper implementation of 638 would help, experience has shown that the Bureau is very unlikely to take that path. Instead, we must assume that, given the chance, the Bureau will continue to make every attempt to thwart 638 contracting as it was intended by Congress, and to use it instead to achieve its own unjustified ends. This situation will continue to discourage Indian Tribes and Tribal organizations from contracting - from "learning to swim", if you will. An alternative is needed, a better method of enabling and encouraging Indian Tribes and Tribal organizations to take control of Indian education.

HR 5 provides just such an alternative. It would make taking control of education programs less formidable and more likely to be successful. It would greatly reduce, if not

eliminate, the Bureau's ability and wilingness to create unnecessary obstacles which must be overcome before a contractor (grantee?) can get on with the real business of educating Indian children. It would ensure stable funding and greatly reduce repetitive and unproductive red tape. Perhaps most importantly, it would make those in the most immediate control of Indian education, fully and primarily accountable to the elected representatives of the people they serve, and not to appointed bureaucrats who are often effectively accountable to no one. We do not see how such a situation can help but appropriately increase effective local control of Indian Education, one of Mr. Swimmers proclaimed goals.

There is one thing missing in HR 5, however, which needs to be added in conference. Contractors and grantees and potential contractors and grantees must have readier access to the courts for the resoultion of contract or grant disputes. At present, most potential contractors and grantees who are unable to persuade the BIA to follow law and regulation in the granting oof a contract or in its oversight of contract administration become totally discouraged and give up long before they reach the point at which they can effectively seek a remedy in the courts. As a result, the BIA often has its way, whether legal or not. Simpler regulations and requirements to be met before going to court with a dispute would go a long way toward ensuring far greater Bureau compliance with law and regulation.

As to the implications of the Swimmer initiative in terms of economic development, we are certain that the benefits of a sound education -in this case a sound Indian education - are better known to the Committee than to us, and we will not belabor them here. It should be enough to point out that if the initiative will not produce effective, high-quality education for Indian people and will not - it cannot help to achieve the economic growth and development we need and want. It can only prolong the well-known and terribly high social and economic costs of inappropriate and ineffective education for our people.

In short, SIYDA absolutely opposes the Swimmer initiative, strongly supports HR 5 with the inclusion of readier access to the courts, and asks that your Committee do likewise.

It may be of interest to the Committee to know just how an organization which has never held a 638 contract has come to have such strong opinions on these matters.

Please know that the Southwest Indian Youth Development Association, Inc. has been atempting for approximately six years to secure a P.L. 93-638 contract for the establishment and operation of a high school at Continental Divide, New Mexico. Very briefly, this school would serve 300 at-risk Navajo youths through a three year, year-round intensive high school program. By careful design, the school would provide each student with not only a complete academic program, but with a year of vocational

training and on-the-job experience as well.

For almost six years now the BIA has steadfastly refused to approve our contract application. It has used all manner of legally insufficient excuses and has knowingly and repeatedly failed or refused to take appropriate actions which would eliminate the basis for those excuses in order to avoid letting the requested contract. As a result, literally hundreds of Navajo people have been denied the opportunity to gain a full high school education and vocational training which would enable them to lead fully productive lives as contributing members of the Navajo and general American societies. Instead, many who might have been helped already are now a part of the economic and related social problems your Committee seeks to solve.

We will be sending you copies of the Continental Divide High School proposal under separate cover. We ask only that you read the proposal and, if you feel that it is a step in the right direction, that you back it by supporting the inclusion in HR 5 of language which will authorize funding for the school in the amount of $2.2 million for startup costs, and which will require the BIA to approve this long overdue 638 contract. Please know that after startup, the school will automatically generate continued funding through the Indian School Equalization Formula under P.L. 95-561. We seek only to serve those who need it most in ways we know will work, and in so doing, to contribute our share to the future growth and development of a self-sufficient Navajo Nation.

We wish to thank the Committee for this opportunity to make our views known for the record, and hope that we have been of some help in the many important decisions and tasks which face you. Please do not hesitate to call upon us if we may be of any further assistance.